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R. P. Colinvaux and J. D. Pennington
Barristers-at-Law

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PREFACE

This Index, covering cases reported in 1951 to 1960 inclusive, is designed to form the basis for future indexing of the law reports. The table of Cases Reported gives references to all general series of full reports, so that the Index may be used in conjunction with any one of them.

The table of Subject-Matter, though based on earlier tables, has been remodelled and thoroughly revised with the aim of enabling *all* reported decisions or dicta on any given point to be quickly found. Too often authorities relevant to the issue before the court are overlooked; and the time wasted by busy practitioners searching for the cases which they need is incalculable. To meet these evils the Council of Law Reporting offer this desk volume as our small contribution to the efficiency of the profession.

No index is perfect, and while all cases on any point *should* be found under "Subject-Matter," the industrious are advised to check in the tables which follow whether any case relied on has not been adversely commented upon, or whether any relevant enactment has not been illuminated by judicial wisdom.

It is the more recent decision which is often the most difficult to find, and accordingly the Index is and will be brought up to date week by week in issues of *The Weekly Law Reports*, supplemented by periodic "pink books" sent to W.L.R. subscribers and by "red books" in which the Index, as from January 1, 1961, will be consolidated anew at the end of each year. Sportsmen have had, for years, a similar service in guides to the turf, and we feel that an ancient, learned and honourable calling deserves no less.

This book is only the basis of the *Law Reports* Index. If only solicitors and others will call our attention to its deficiencies we intend constantly to improve it.

R. P. C.
J. D. P.

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Auten *v.* Baker Todman & Co. [1960] 1 Q.B. 669; [1958] 1 W.L.R. 1300, C.A.

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Auten *v.* Rayner (No. 2) [1960] 1 Q.B. 669; [1960] 2 W.L.R. 562; [1960] 1 All E.R. 692

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B. P. Refinery (Kent) Ltd. *v.* Lower Medway Internal Drainage Board [1957] 1 Q.B. 84; [1956] 3 W.L.R. 423; [1956] 2 All E.R. 834 (D.C.)

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Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148; [1960] 1 All E.R. 65, H.L.
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Bellshill and Mossend Co-op. Soc. Ltd. *v.* Dalziel Co-op. Soc. Ltd. [1960] A.C. 832; [1960] 2 W.L.R. 580; [1960] 1 All E.R. 673, H.L.
Belmont & Co. Ltd., *In re* [1952] Ch. 10; [1951] 2 T.L.R. 925; [1951] 2 All E.R. 898
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Benmax *v.* Austin Motor Co. Ltd. [1955] A.C. 370; [1955] 2 W.L.R. 418; [1955] 1 All E.R. 326, H.L.
Benn *v.* Kamm & Co. Ltd. [1952] 1 T.L.R. 57; [1952] 1 All E.R. 56; [1952] 2 Q.B. 127; [1952] 1 T.L.R. 873; [1952] 1 All E.R. 833, C.A.
Bennet *v.* Bennet [1951] 2 K.B. 572; [1951] 1 T.L.R. 873; [1951] 1 All E.R. 1088; [1952] 1 K.B. 249; [1952] 1 T.L.R. 400; [1952] 1 All E.R. 413
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Benjamin *v.* Minister of Pensions and National Insurance [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430; [1960] 2 All E.R. 851
Bentleys, Stokes & Lowless *v.* Beeson [1951] W.N. 453; [1951] 2 T.L.R. 592; [1951] 2 All E.R. 667; [1952] W.N. 280; [1952] 1 T.L.R. 1529; [1952] 2 All E.R. 82, C.A.
Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 801; [1957] 3 All E.R. 544 (C.A.)
Berendsen (S.) Ltd. *v.* Inland Revenue Commrs. [1958] Ch. 1; [1957] 2 W.L.R. 447; 3 W.L.R. 164; [1957] 2 All E.R. 612, C.A.
Berk (F. W.) & Co. Ltd. *v.* Style [1956] 1 Q.B. 180; [1955] 3 W.L.R. 935; [1955] 3 All E.R. 625
Berkeley *v.* Papadoyannis [1954] 2 Q.B. 149; [1954] 3 W.L.R. 23; [1954] 2 All E.R. 409 (C.A.)
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Berthelemy *v.* Neale [1952] 1 T.L.R. 458; [1952] 1 All E.R. 437; [1952] W.N. 92 (C.A.)
Best *v.* Best [1956] P. 76; [1955] 3 W.L.R. 334; [1955] 2 All E.R. 839
Best *v.* Glenville [1960] 1 W.L.R. 1198; [1960] 3 All E.R. 478
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Bewlay & Co. Ltd. *v.* London County Council [1953] 1 W.L.R. 1110; [1953] 2 All E.R. 821 (D.C.)
Bewlay (Tobacconists) Ltd. *v.* British Bata Shoe Co. Ltd. [1959] 1 W.L.R. 45; [1958] 3 All E.R. 652 (C.A.)
Bezzi *v.* Bezzi [1956] 1 W.L.R. 116; [1955] 3 All E.R. 785n.
Bhandari *v.* Advocates Committee [1956] 1 W.L.R. 1442; [1956] 3 All E.R. 742 (P.C.)
Bharat *v.* The Queen [1959] A.C. 533; [1959] 3 W.L.R. 406; [1959] 3 All E.R. 292 (P.C.)
Bibby (J.) & Sons Pensions Trust Deed, *In re*; Davies *v.* I. R. C. [1952] W.N. 402; [1952] 2 T.L.R. 297; [1952] 2 All E.R. 483
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Bicknell *v.* Brosnan [1953] 2 Q.B. 77; [1953] 2 W.L.R. 1052; [1953] 1 All E.R. 1126 (D.C.)
Biddle *v.* Truvox Engineering Co. Ltd., Greenwood & Batley Ltd. (Third Party) [1952] 1 K.B. 101; [1951] 2 T.L.R. 968; [1951] 2 All E.R. 835
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Billing *v.* Pill [1954] 1 Q.B. 70; [1953] 3 W.L.R. 758; [1953] 2 All E.R. 1061

Billings (A. C.) & Sons Ltd. *v.* Riden [1958] A.C. 240; [1957] 3 W.L.R. 496; [1957] 3 All E.R. 1, H.L.
Bingham *v.* Inland Revenue Commrs. [1956] Ch. 95; [1955] 3 W.L.R. 663; [1955] 3 All E.R. 321
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Birch *v.* Sullivan [1957] 1 W.L.R. 1247; [1958] 1 All E.R. 56
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Birch *v.* Wigan Corpn. [1953] 1 Q.B. 136; [1952] 2 T.L.R. 840; [1952] 2 All E.R. 893 (C.A.)
Bird *v.* Cocking & Sons Ltd. [1951] 2 T.L.R. 1260; [1952] W.N. 5 (C.A.)
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Birtwistle *v.* Tweedale (Practice Note) [1954] 1 W.L.R. 190; [1953] 2 All E.R. 1598, C.A.
Biss, decd., *In re*. Heasman *v.* Biss [1956] Ch. 243; [1956] 2 W.L.R. 94; [1956] 1 All E.R. 89
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Blacker *v.* Blacker [1960] P. 146; [1960] 2 W.L.R. 800; [1960] 2 All E.R. 291, C.A.
Blackman *v.* Railway Executive [1953] 1 W.L.R. 2; [1954] 1 W.L.R. 220; [1953] 2 All E.R. 323n. (C.A.)
Blackmore *v.* Butler [1954] 2 Q.B. 171; [1954] 3 W.L.R. 62; [1954] 2 All E.R. 403 (C.A.)
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Blake & Lyons Ltd. *v.* Lewis Berger & Sons Ltd. [1951] W.N. 425; [1951] 2 T.L.R. 605
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Blane Steamships Ltd. *v.* Minister of Transport [1951] 2 K.B. 965; [1951] 2 T.L.R. 763 (C.A.)
Blanket Manufacturers' Agreement, *In re* [1959] 1 W.L.R. 442 & 1148; L.R. 1 R.P. 208 & 271; [1959] 2 All E.R. 1
Blankley *v.* Godley [1952] 1 All E.R. 436n.
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Bleckly, decd., *In re* [1951] W.N. 161; [1951] Ch. 740; [1951] 1 T.L.R. 432 & 902; [1951] 1 All E.R. 628 & 1064, C.A.
Blenkin *v.* Bell [1952] 2 Q.B. 620; [1952] 1 T.L.R. 1216; [1952] 1 All E.R. 1258 (D.C.)
Bloomfield *v.* British Transport Commission [1960] 1 Q.B. 86; [1960] 2 W.L.R. 693; [1960] 2 All E.R. 54, C.A.
Bloomstein *v.* Railway Executive [1952] 2 All E.R. 418; [1952] W.N. 378
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Boaks *v.* Reece [1957] 1 Q.B. 219; [1956] 1 W.L.R. 886 & 3 W.L.R. 1126; [1956] 2 All E.R. 750 & 3 All E.R. 986, C.A.; (pet. dis.) [1957] 1 W.L.R. 454, H.L.
Board *v.* Thomas Hedley & Co. Ltd. [1951] W.N. 422; [1951] 2 T.L.R. 779; [1951] 2 All E.R. 431 (C.A.)
Board of Trade *v.* Owen [1957] A.C. 602; [1957] 2 W.L.R. 351; [1957] 1 All E.R. 411, H.L.
Boarland (Inspector of Taxes) *v.* Kramat Pulai Ltd. [1953] 1 W.L.R. 1332; [1953] 2 All E.R. 1122
Boarland *v.* Madras Electricity Supply Corpn. [1953] 1 W.L.R. 920; [1953] 2 All E.R. 467; [1954] 1 W.L.R. 87; [1954] 1 All E.R. 52, C.A.
Bob Keats Ltd. *v.* Farrant [1951] W.N. 222; [1951] 1 T.L.R. 818; [1951] 1 All E.R. 899 (D.C.)
Bock *v.* Bock [1955] 1 W.L.R. 843; [1955] 2 All E.R. 793
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Boddington *v.* Wisson [1951] 1 K.B. 606; [1951] 1 All E.R. 166 (C.A.)
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Bolton *v.* Stone [1951] A.C. 850; [1951] 1 T.L.R. 977; [1951] 1 All E.R. 1078, H.L.
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Bolton (H. L.) (Engineering) Co. Ltd. *v.* T. J. Graham & Sons Ltd. [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804; (pet. dis.) [1957] 1 W.L.R. 454; [1956] 3 All E.R. 624 (C.A.)
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Bone, decd., *In re.* Bone *v.* Midland Bank Executor Co. [1955] 1 W.L.R. 703; [1955] 2 All E.R. 555
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British Nylon Spinners Ltd. *v.* I. C. I. Ltd. [1953] Ch. 19; [1952] 2 T.L.R. 669; [1952] 2 All E.R. 780; [1955] Ch. 37; [1954] 3 W.L.R. 505
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Brown *v.* Brown [1952] 1 T.L.R. 930; [1952] 1 All E.R. 1018; [1952] W.N. 204 (C.A.)
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Bruce (W.) Ltd. *v.* J. Strong [1951] 2 K.B. 447; [1951] 1 All E.R. 1021, C.A.
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Drinkwater *v.* Kimber [1951] W.N. 496; [1951] 2 T.L.R. 630; [1951] 2 All E.R. 713; [1952] 2 Q.B. 281; [1952] 1 T.L.R. 1486; [1952] 1 All E.R. 701 (C.A.)
Driscoll *v.* Church Commrs. for England [1957] 1 Q.B. 330; [1956] 3 W.L.R. 996; [1956] 3 All E.R. 802, C.A.
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Drummond *v.* British Building Cleaners Ltd. [1954] 1 W.L.R. 501 & 1434; [1954] 3 All E.R. 507 (C.A.)
Dryden *v.* Dryden [1953] 1 W.L.R. 952; [1953] 2 All E.R. 533n. (C.A.)
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East Ham Corporation *v.* Ministry of Housing [1959] 1 W.L.R. 1013; [1959] 3 All E.R. 508
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Evans *v.* Jones [1955] 2 Q.B. 58; [1955] 2 W.L.R. 936; [1955] 2 All E.R. 118 (C.A.)
Evans *v.* Roper [1960] 1 W.L.R. 814; [1960] 2 All E.R. 507
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Evans *v.* Walkden [1956] 1 W.L.R. 1019; [1956] 3 All E.R. 64 (D.C.)
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Fatuma Binti Mohammed Bin Salim Bakhshuwen *v.* Mohammed Bin Salim Bakhshuwen [1952] A.C. 1 (P.C.)

Fawcett Properties Ltd. *v.* Buckingham C. C. [1958] 1 W.L.R. 1161; [1958] 3 All E.R. 521; [1959] Ch. 543; [1959] 2 W.L.R. 884; [1959] 2 All E.R. 321, C.A.; [1960] 3 W.L.R. 831; [1960] 3 All E.R. 503

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Federation of British Carpet Manufacturers' Application, *In re*, L.R. 1 R.P. 550; [1960] 1 All E.R. 356

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Fehmarn, The [1957] 1 W.L.R. 815; [1957] 2 All E.R. 707; [1958] 1 W.L.R. 159; [1958] 1 All E.R. 333 (C.A.)

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Ferguson *v.* Weaving [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412 (D.C.)

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Filby Bros. (Provender) Ltd., *In re* [1958] 1 W.L.R. 683; [1958] 2 All E.R. 458

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Fine Industrial Commodities Ltd., *In re* [1956] Ch. 256; [1955] 3 W.L.R. 940; [1955] 3 All E.R. 707

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Grech *v.* Odhams Press Ltd. [1958] 1 Q.B. 310; [1957] 3 W.L.R. 942; [1957] 3 All E.R. 556; [1958] 2 Q.B. 275 & 3 W.L.R. 16; [1958] 2 All E.R. 462, C.A.

Green, decd., *In re* [1951] Ch. 148; 66 T.L.R. (Pt. 2) 819; [1950] 2 All E.R. 913
Green (A Bankrupt), *In re. Ex parte* The Trustee [1958] 1 W.L.R. 405; [1958] 2 All E.R. 57n., C.A.
Green *v.* Bowes-Lyon [1960] 1 W.L.R. 176; [1960] 1 All E.R. 301; [1961] 1 W.L.R. 503; [1961] 1 All E.R. 13, C.A.
Green *v.* Burnett [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631; [1954] 3 All E.R. 273 (D.C.)
Green *v.* Fibreglass Ltd. [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71; [1958] 2 All E.R. 521
Green *v.* Green & Partridge [1958] 1 W.L.R. 1104; [1958] 3 All E.R. 242
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Green *v.* Portsmouth Stadium Ltd. [1953] 2 Q.B. 190; [1953] 1 W.L.R. 487 & 2 W.L.R. 1206; [1953] 1 All E.R. 642 & 2 All E.R. 102 (C.A.)
Green *v.* Rozen [1955] 1 W.L.R. 741; [1955] 2 All E.R. 797
Green *v.* Russell. McCarthy (Third Party) [1959] 1 Q.B. 28; [1958] 3 W.L.R. 371; [1958] 3 All E.R. 44; [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17; [1959] 2 All E.R. 525, C.A.
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Greenslade *v.* Swaffer [1955] 1 W.L.R. 1109; [1955] 3 All E.R. 200, C.A.
Greenslade *v.* World's Press News Publishing Co. Ltd. [1955] 1 W.L.R. 1109; [1955] 3 All E.R. 200 (C.A.)
Greenwood *v.* Sketcher [1951] W.N. 190; [1951] 1 T.L.R. 638; [1951] 1 All E.R. 750 (C.A.)
Gregory *v.* Fearn [1953] 1 W.L.R. 974; [1953] 2 All E.R. 559 (C.A.)
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Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332; [1953] 1 All E.R. 350 (C.A.)
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Grinsted *v.* Hadrill [1953] 1 W.L.R. 696; [1953] 1 All E.R. 1188 (C.A.)
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Guinness Trust (London Fund) *v.* West Ham B. C. [1958] 1 W.L.R. 541; [1958] 2 All E.R. 237; [1959] 1 W.L.R. 233; [1959] 1 All E.R. 482, C.A.
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Gunner *v.* Gunner (Practice Note) [1954] 1 W.L.R. 410; [1954] 1 All E.R. 695

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Haines *v.* Roberts [1953] 1 W.L.R. 309; [1953] 1 All E.R. 344 (D.C.)
Halbauer *v.* Brighton Corpn. [1954] 1 W.L.R. 1161; [1954] 2 All E.R. 707 (C.A.)
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Hall *v.* Hall [1960] 1 W.L.R. 52; [1960] 1 All E.R 91

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Hall & Co. Ltd. *v.* Pearlberg [1956] 1 W.L.R. 244; [1956] 1 All E.R. 297n.

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Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755; [1958] 2 All E.R. 141, C.A.

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Hancock *v.* Prison Commrs. [1960] 1 Q.B. 117; [1959] 3 W.L.R. 583; [1959] 3 All E.R. 513

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Haniver *v.* Haniver [1960] 1 W.L.R. 310; [1959] 3 All E.R. 854

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Hare *v.* British Transport Commission [1956] 1 W.L.R. 250; [1956] 1 All E.R. 578

Harewood Hotels Ltd. *v.* Harris [1958] 1 W.L.R. 108; [1958] 1 All E.R. 104, C.A.

Hargreaves *v.* Bretherton [1959] 1 Q.B. 45; [1958] 3 W.L.R. 463; [1958] 3 All E.R. 122

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Harlow *v.* Minister of Transport and Rugby Portland Cement Co. Ltd. [1951] 2 K.B. 98; 66 T.L.R. (Pt. 2) 1037; [1950] 2 All E.R. 1005 (C.A.)

Harmer (H. R.) Ltd., *In re* [1959] 1 W.L.R. 62; [1958] 3 All E.R. 689, C.A.

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Harris *v.* Brights Asphalt Contractors Ltd. [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341; [1953] 1 All E.R. 395

Harris *v.* Director of Public Prosecutions [1952] 1 K.B. 309; [1952] 1 T.L.R. 350; [1952] A.C. 694; [1952] 1 T.L.R. 1075; [1952] 1 All E.R. 1044 (C.C.A.)

Harris *v.* Dönges [1952] 1 T.L.R. 1245

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Harris *v.* Rugby Portland Cement Co. Ltd. [1955] 1 W.L.R. 648; [1955] 2 All E.R. 500 (C.A.)

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Harrison *v.* National Coal Board [1951] A.C. 639; [1951] 1 T.L.R. 1079; [1951] 1 All E.R. 1102 (H.L.)

Harrison (W. F.) & Co. Ltd. *v.* Burke [1956] 1 W.L.R. 419; [1956] 2 All E.R. 169 (C.A.)

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Harrison's Share under a Settlement, *In re.* Harrison *v.* Harrison [1955] Ch. 260; [1954] 3 W.L.R. 156; [1954] 2 All E.R. 453; [1955] 2 W.L.R. 256; [1955] 1 All E.R. 185, C.A.

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Harvell *v.* Foster [1954] 1 Q.B. 591; [1954] 2 W.L.R. 642; [1954] 1 All E.R. 851; [1954] 2 Q.B. 367; [1954] 3 W.L.R. 351; [1954] 2 All E.R. 736, C.A.
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Harvey *v.* Crawley Development Corpn. [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332; [1957] 1 All E.R. 504 (C.A.)
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Haves, decd., *In re* [1951] W.N. 550; [1951] 2 T.L.R. 892; [1951] 2 All E.R. 928
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Henry *v.* Taylor [1954] 1 Q.B. 506; [1954] 2 W.L.R. 601; [1954] 1 All E.R. 721 (C.A.)

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Hong Guan & Co. Ltd. *v.* R. Jumabhoy & Sons Ltd. [1960] A.C. 684; [1960] 2 W.L.R. 754; [1960] 2 All E.R. 100, P.C.
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Inland Revenue Commrs. *v.* City of Glasgow Police Athletic Assocn. [1953] A.C. 380; [1953] 2 W.L.R. 625; [1953] 1 All E.R. 747 (H.L.)

Inland Revenue Commrs. *v.* City of London [1953] 1 W.L.R. 652; [1953] 1 All E.R. 1075 (H.L.)

Inland Revenue Commrs. *v.* Collco Dealings Ltd. [1960] Ch. 592; [1960] 2 W.L.R. 848; [1959] 1 W.L.R. 995; [1959] 3 All E.R. 351; [1961] 2 W.L.R. 401, H.L.

Inland Revenue Commrs. *v.* Dadswell [1954] 1 W.L.R. 1204; [1954] 3 All E.R. 243

Inland Revenue Commrs. *v.* Dowdall, O'Mahoney & Co. Ltd. [1952] A.C. 401; [1952] 1 T.L.R. 560; [1952] 1 All E.R. 531, H.L.

Inland Revenue Commrs. *v.* Gordon [1952] A.C. 552; [1952] 1 T.L.R. 913; [1952] 1 All E.R. 866, H.L.

Inland Revenue Commrs. *v.* Great Boulder Proprietary Gold Mines [1952] W.N. 50; [1952] 1 T.L.R. 306; [1952] 1 All E.R. 360

Inland Revenue Commrs. *v.* H. Dunning & Co. (1946) Ltd. [1960] 1 W.L.R. 1106; [1960] 3 All E.R. 75

Inland Revenue Commrs. *v.* Hambrook [1956] 2 Q.B. 641; [1956] 2 W.L.R. 919; [1956] 1 All E.R. 807; [1956] 3 W.L.R. 643; [1956] 3 All E.R. 338 (C.A.)

Inland Revenue Commrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414; [1960] 3 All E.R. 48

Inland Revenue Commrs. *v.* Hay [1953] 1 W.L.R. 584; [1953] 1 All E.R. 930 (C.A.)

Inland Revenue Commrs. *v.* Hinchy [1960] A.C. 748; [1960] 2 W.L.R. 448; [1960] 1 All E.R. 505, H.L.; [1959] 1 Q.B. 327; [1959] 2 Q.B. 357; [1959] 2 W.L.R. 32; [1959] 3 W.L.R. 66; [1959] 2 All E.R. 512, C.A.

Inland Revenue Commrs. *v.* Hobhouse [1956] 1 W.L.R. 1393; [1956] 3 All E.R. 594

Inland Revenue Commrs. *v.* Hudspeth [1959] 1 W.L.R. 948; [1959] 2 All E.R. 752

Inland Revenue Commrs. *v.* Jackson [1960] 1 W.L.R. 873; [1960] 3 All E.R. 31

Inland Revenue Commrs. *v.* Kenmare [1956] Ch. 220; [1955] 3 W.L.R. 922; [1956] Ch. 483; [1956] 3 W.L.R. 527; [1956] 3 All E.R. 69, C.A.

Inland Revenue Commrs. *v.* Latilla-Campbell [1951] A.C. 421; [1951] 1 T.L.R. 280; [1951] 1 All E.R. 1

Inland Revenue Commrs. *v.* London (City of) [1952] W.N. 326, C.A.

Inland Revenue Commrs. *v.* Lucbor Dealings Ltd. [1959] 1 W.L.R. 995; [1959] 3 All E.R. 351

Inland Revenue Commrs. *v.* Mayo [1951] A.C. 421; [1951] 1 T.L.R. 280; [1951] 1 All E.R. 1

Inland Revenue Commrs. *v.* National Book League [1957] Ch. 488; [1957] 3 W.L.R. 222; [1957] 2 All E.R. 644, C.A.

Inland Revenue Commrs. *v.* Nicolson [1953] 1 W.L.R. 809; [1953] 2 All E.R. 123

Inland Revenue Commrs. *v.* Pearlberg [1953] 1 W.L.R. 331; [1953] 1 All E.R. 388, C.A.

Inland Revenue Commrs. *v.* Pollock & Peel Ltd. (in Liquidation) [1956] 1 W.L.R. 951; [1956] 2 All E.R. 776; [1957] 1 W.L.R. 822; [1957] 2 All E.R. 483 (C.A.)

Inland Revenue Commrs. *v.* Pullman Car Co. Ltd. [1954] 1 W.L.R. 1029; [1954] 2 All E.R. 491

Inland Revenue Commrs. *v.* Racecourse Betting Control Board [1958] 1 W.L.R. 122; [1958] 1 All E.R. 274 & 705; [1958] 2 All E.R. 385

Inland Revenue Commrs. *v.* Ramshaw Coal Co. Ltd. [1958] Ch. 792; [1958] 2 W.L.R. 815; [1958] 2 All E.R. 91, C.A.

Inland Revenue Commrs. *v.* Reynolds & Gibson [1952] W.N. 182; [1952] 1 T.L.R. 922; [1952] 1 All E.R. 888

Inland Revenue Commrs. *v.* Saunders [1958] A.C. 285; [1957] 3 W.L.R. 474; [1957] 3 All E.R. 43, H.L.

Inland Revenue Commrs. *v.* Silverts Ltd. [1951] Ch. 521; [1951] 1 T.L.R. 593; [1951] 1 All E.R. 703, C.A.

Inland Revenue Commrs. *v.* South Georgia Co. Ltd. [1958] A.C. 599; [1958] 2 W.L.R. 492; [1958] 1 All E.R. 593 (H.L.)

Inland Revenue Commrs. *v.* Sunnylands Trust [1955] Ch. 20; [1954] 1 W.L.R. 659; [1954] 1 All E.R. 878; [1954] 3 W.L.R. 438; [1954] 3 All E.R. 120, C.A.

Inland Revenue Commrs. *v.* Thornton, Kelley & Co. Ltd. [1957] 1 W.L.R. 482; [1957] 1 All E.R. 650

Inland Revenue Commrs. *v.* Universal Grinding Wheel Co. Ltd. [1953] Ch. 499; [1953] 3 W.L.R. 29; [1953] 2 All E.R. 133; [1954] Ch. 117; [1954] 2 W.L.R. 37; [1953] 2 All E.R. 1592, C.A.; [1955] A.C. 807; [1955] 2 W.L.R. 892; [1955] 2 All E.R. 29, H.L.

Inland Revenue Commrs. *v.* Westbury [1956] Ch. 407; [1956] 3 W.L.R. 139; [1956] 2 All E.R. 210

Inland Revenue Commrs. *v.* Whitworth Park Coal Co. Ltd. [1958] Ch. 792; [1958] 2 W.L.R. 815; [1958] 2 All E.R. 91, C.A.
Inland Revenue Commrs. *v.* Wilsons (Dunblane) Ltd. [1954] 1 W.L.R. 282; [1954] 1 All E.R. 301, H.L.
Inland Revenue Commrs. *v.* Wood Bros. (Birkenhead) Ltd. [1958] Ch. 476; [1957] 3 W.L.R. 713; [1957] 3 All E.R. 314 (C.A.); (pet. all.) [1958] 1 W.L.R. 64; [1958] 1 All E.R. 405n. (H.L.); [1959] A.C. 487; [1959] 2 W.L.R. 47; [1959] 1 All E.R. 53 (H.L.)
Inland Revenue Commrs. *v.* Worth [1953] 1 W.L.R. 584; [1953] 1 All E.R. 930 (C.A.)
Innes (Inspector of Taxes) *v.* Harrison [1954] 1 W.L.R. 668; [1954] 1 All E.R. 884
Institute of Fuel *v.* Morley [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157; [1955] 1 All E.R. 161 (C.A.); [1956] A.C. 245; [1956] 2 W.L.R. 64; [1955] 3 All E.R. 843 (H.L.)
Institution of Mechanical Engineers *v.* Cane [1960] 3 W.L.R. 978; [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48; [1960] 1 All E.R. 129, C.A.
Interoffice Telephones Ltd. *v.* Robert Freeman Co. Ltd. [1958] 1 Q.B. 190; [1957] 3 W.L.R. 971; [1957] 3 All E.R. 479 (C.A.)
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Isaac *v.* Isaac [1955] P. 333; [1955] 3 W.L.R. 253; [1955] 2 All E.R. 811
Isaacs *v.* Market Bosworth R. D. C. [1960] 1 W.L.R. 277; [1960] 1 All E.R. 433
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Ivory *v.* Ivory [1954] 1 W.L.R. 604; [1954] 1 All E.R. 898, D.C.
Izuora *v.* The Queen [1953] A.C. 327; [1953] 2 W.L.R. 700; [1953] 1 All E.R. 827 (P.C.)

J., *In re* [1960] 1 W.L.R. 253; [1960] 1 All E.R. 603
J. *v.* J. [1955] P. 215; [1955] 2 W.L.R. 973; [1955] 2 All E.R. 85; [1955] 3 W.L.R. 72; [1955] 2 All E.R. 617 (C.A.)
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J. S. (An Infant), *In re* [1959] 1 W.L.R. 1218; [1959] 3 All E.R. 856
Jabbour (F. & K.) *v.* Custodian of Israeli Absentee Property [1954] 1 W.L.R. 139; [1954] 1 All E.R. 145
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Jackson (Inspector of Taxes) *v.* Laskers Home Furnishers Ltd. [1957] 1 W.L.R. 69; [1956] 3 All E.R. 891
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James *v.* Bowkett [1952] W.N. 341; [1952] 2 T.L.R. 100; [1952] 2 All E.R. 320 (D.C.)
James *v.* Davies [1953] 1 Q.B. 8; [1952] 2 T.L.R. 662; [1952] 2 All E.R. 758 (D.C.)
James *v.* Thomas H. Kent & Co. Ltd. [1951] 1 K.B. 551; [1951] 1 T.L.R. 552; [1950] 2 All E.R. 1099 (C.A.)
James Patrick & Co. Pty. Ltd. *v.* Sharpe [1955] A.C. 1; [1954] 3 W.L.R. 539; [1954] 3 All E.R. 216 (P.C.)
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Jaquin *v.* Holland [1960] 1 W.L.R. 258; [1960] 1 All E.R. 402, C.A.
Jarman *v.* Lambert & Cooke Contractors Ltd. [1951] 2 K.B. 937; [1951] 2 T.L.R. 117; [1951] 2 All E.R. 255 (C.A.)
Jarvis, decd., *In re.* Edge *v.* Jarvis [1958] 1 W.L.R. 815; [1958] 2 All E.R. 336
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Jeffrey *v.* Kent C. C. [1958] 1 W.L.R. 927; [1958] 3 All E.R. 155
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Jenion, *In re* [1952] Ch. 454; [1952] 2 T.L.R. 17; [1952] 1 All E.R. 1228 (C.A.)

Jenkins *v.* Jenkins [1956] P. 458; [1956] 3 W.L.R. 262; [1956] 2 All E.R. 596 (D.C.)
Jenner *v.* Allen West & Co. Ltd. [1959] 1 W.L.R. 554; [1959] 2 All E.R. 115 (C.A.)
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Jones *v.* Gates [1954] 1 W.L.R. 222; [1954] 1 All E.R. 158 (C.A.)
Jones *v.* Jones [1952] W.N. 375; [1952] 2 T.L.R. 225 (C.A.)
Jones *v.* Jones [1953] 1 W.L.R. 867; [1953] 2 All E.R. 345 (D.C.)
Jones *v.* Jones [1954] 1 W.L.R. 1474; [1954] 3 All E.R. 476n. (D.C.)
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Jones *v.* Manchester Corpn. [1952] 2 Q.B. 852; [1952] 1 T.L.R. 1589; [1952] 2 All E.R. 125 (C.A.)
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Jones *v.* National Coal Board [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760; [1957] 2 All E.R. 155 (C.A.)
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K. (An Infant), *In re* [1953] 1 Q.B. 146; [1952] W.N. 95; [1952] 1 T.L.R. 467; [1952] 2 All E.R. 877 (C.A.)
K. (An Infant), *In re* [1953] 1 Q.B. 117; [1952] 2 T.L.R. 745; [1952] 2 All E.R. 877, C.A.
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Kahn *v.* Newberry [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650; [1959] 2 All E.R. 202, D.C.
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Keats *v.* Graham [1960] 1 W.L.R. 30; [1959] 3 All E.R. 919, C.A.
Keats *v.* L. C. C. [1954] 1 W.L.R. 1357; [1954] 3 All E.R. 303 (D.C.)
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[1952] 1 All E.R. 223 (C.A.)
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[1950] 2 All E.R. 1079 (H.L.)
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[1956] 2 All E.R. 702
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[1955] P. 205; [1954] 2 All E.R. 310 & 3 All E.R. 484, C.A.
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[1952] 2 Q.B. 701; [1952] 1 T.L.R. 1349; [1952] 1 All E.R. 1302;
[1953] A.C. 643; [1953] 3 W.L.R. 259; [1953] 2 All E.R. 449, H.L.
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[1959] 3 All E.R. 77 (C.A.)
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[1959] 2 All E.R. 285 (C.A.)
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[1956] 1 All E.R. 341, C.A.
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[1959] 2 All E.R. 300 (P.C.)
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[1956] 2 All E.R. 59 (C.A.)
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[1952] 1 All E.R. 1175, C.A.
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[1952] 2 All E.R. 492, C.A.
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[1950] 2 All E.R. 738
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[1953] 2 All E.R. 327
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[1958] 1 All E.R. 459 (C.A.)

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Lewis *v.* Packer [1960] 1 W.L.R. 452; [1960] 1 All E.R. 720

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Lillingston, decd., *In re* [1952] W.N. 338; [1952] 1 T.L.R. 1622; [1952] 2 All E.R. 184

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Lines *v.* Hersom [1951] 2 K.B. 682; [1951] 2 T.L.R. 481; [1951] 2 All E.R. 650

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Lister *v.* Romford Ice and Cold Storage Co. Ltd. [1957] A.C. 555; [1957] 2 W.L.R. 158; [1957] 1 All E.R. 125, H.L.

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Little, decd., *In the Estate of* [1960] 1 W.L.R. 495; [1960] 1 All E.R. 387

Little Leigh Parochial Church Council *v.* Church Comrs. [1960] 1 W.L.R. 567

Littlewood *v.* George Wimpey & Co. Ltd. and British Overseas Airways Corpn. [1953] 2 Q.B. 501; [1953] 1 W.L.R. 426; [1953] 1 All E.R. 583; [1953] 3 W.L.R. 553; [1953] 2 All E.R. 915, C.A.

Littman *v.* Barron (Inspector of Taxes) [1951] W.N. 170; [1951] Ch. 993; [1951] 2 T.L.R. 323; [1951] 1 All E.R. 701 & 2 All E.R. 393, C.A.

Liverpool, The [1959] 1 W.L.R. 297; [1959] 1 All E.R. 492

Liverpool (The) (No. 2) [1960] 3 W.L.R. 597; [1960] 3 All E.R. 307, C.A.; [1960] 2 W.L.R. 541; [1960] 1 All E.R. 465

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Llewellyn *v.* Llewellyn [1955] 1 W.L.R. 480; [1955] 2 All E.R. 110 (C.A.)

Lloyd *v.* F. Evans & Sons Ltd. [1951] W.N. 306 (C.A.)

Lloyd *v.* E. Lee Ltd. [1951] 2 K.B. 121; [1951] 1 T.L.R. 624; [1951] 1 All E.R. 589, D.C.

Lloyd *v.* Singleton [1953] 1 Q.B. 357; [1953] 2 W.L.R. 278; [1953] 1 All E.R. 291, D.C.

Lloyds Bank Ltd. *v.* Attorney-General (Practice Note) [1959] 1 W.L.R. 755; [1959] 2 All E.R. 716n.

Lloyds Bank Ltd. *v.* British Transport Commission [1956] 1 W.L.R. 1279; [1956] 3 All E.R. 291 (C.A.)

Lloyds Bank Ltd. *v.* Eagle Star Insurance Co. Ltd. [1951] 1 T.L.R. 803; [1951] 1 All E.R. 914

Lloyds Bank Ltd. *v.* Jones [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5; [1955] 2 All E.R. 409 (C.A.)

Lloyds Bank Ltd. *v.* Margolies [1954] 1 W.L.R. 644; [1954] 1 All E.R. 734

Lloyds Bank Ltd. *v.* Railway Executive [1952] W.N. 215; [1952] 1 T.L.R. 1207; [1952] 1 All E.R. 1248 (C.A.)

Lloyds Bank Ltd. *v.* Trustee of the Property of O——, a Bankrupt [1953] 1 W.L.R. 1460; [1953] 2 All E.R. 1443

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Lockwood, decd., *In re.* Atherton *v.* Brooke [1958] Ch. 231; [1957] 3 W.L.R. 837; [1957] 3 All E.R. 520

Lockwood *v.* Lowe [1954] 2 Q.B. 267; [1954] 2 W.L.R. 296; [1954] 1 All E.R. 472 (C.A.)

Loew's Incorp. *v.* Littler [1958] Ch. 650; [1958] 2 W.L.R. 787; [1958] 2 All E.R. 200 (C.A.)

Logan *v.* Logan [1954] 1 W.L.R. 1050; [1954] 2 All E.R. 619n.

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London County Council *v.* Agricultural Food Products Ltd. [1955] 2 Q.B. 218; [1955] 2 W.L.R. 925; [1955] 2 All E.R. 229, C.A.

London County Council *v.* Cattermoles (Garages) Ltd. [1953] 1 W.L.R. 997; [1953] 2 All E.R. 582, C.A.

London County Council *v.* Central Land Board [1959] Ch. 386; [1958] 1 W.L.R. 1296 & 2 W.L.R. 807; [1958] 1 All E.R. 806 & 3 All E.R. 676, C.A.

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London County Council *v.* Hay's Wharf Cartage Co. Ltd. [1953] 1 W.L.R. 677; [1953] 2 All E.R. 34

London County Council *v.* Henry Boot & Sons Ltd. [1959] 1 W.L.R. 1069; [1959] 3 All E.R. 636, H.L.

London County Council *v.* Knight [1955] 2 Q.B. 653; [1955] 2 W.L.R. 1095; [1955] 2 All E.R. 180

London County Council *v.* Marks & Spencer Ltd. [1953] A.C. 535; [1953] 2 W.L.R. 932; [1953] 1 All E.R. 1095 (H.L.)

London County Council *v.* Monks [1959] Ch. 239; [1959] 2 W.L.R. 17; [1958] 3 All E.R. 670

London County Council *v.* Tann [1954] 1 W.L.R. 371; [1954] 1 All E.R. 389, D.C.

London County Council *v.* Tobin [1959] 1 W.L.R. 354; [1959] 1 All E.R. 649 (C.A.)

London County Council *v.* Vitamins Ltd. [1955] 2 Q.B. 218; [1955] 2 W.L.R. 925; [1955] 2 All E.R. 229, C.A.

London County Council *v.* Wilkins [1955] 2 Q.B. 653; [1955] 2 W.L.R. 1095; [1955] 2 All E.R. 180 (C.A.); [1957] A.C. 362; [1956] 3 W.L.R. 505; [1956] 3 All E.R. 38 (H.L.)

London Export Corpn. Ltd. *v.* Jubilee Coffee Roasting Co. Ltd. [1958] 1 W.L.R. 271; [1958] 1 All E.R. 494; [1958] 1 W.L.R. 661; [1958] 2 All E.R. 411 (C.A.)

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London Hospital Governors *v.* Jacobs (No. 2) [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102, C.A.

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London Investment and Mortgage Co. Ltd. *v.* F. N. Worthington (H.M. Inspector of Taxes) [1956] 1 W.L.R. 858; [1956] 2 All E.R. 613; [1957] 1 W.L.R. 116; [1957] 1 All E.R. 277, C.A.; [1959] A.C. 199; [1958] 2 W.L.R. 842; [1958] 2 All E.R. 230, H.L.

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London Transport Executive *v.* Betts [1957] 1 W.L.R. 988; [1957] 3 All E.R. 126 (C.A.); [1959] A.C. 213; [1958] 3 W.L.R. 239; [1958] 2 All E.R. 636, H.L.

Long *v.* Lloyd [1958] 1 W.L.R. 753; [1958] 2 All E.R. 402, C.A.

Long *v.* Long [1960] 1 W.L.R. 546; [1960] 2 All E.R. 120

Long (Peter) & Partners *v.* Burns [1956] 1 W.L.R. 413; [1956] 2 All E.R. 25; [1956] 1 W.L.R. 1083; [1956] 3 All E.R. 207 (C.A.)

Longbourne, decd., *In re* [1952] 2 T.L.R. 818; [1952] 2 All E.R. 933; [1952] W.N. 552

Longdon-Griffiths *v.* Smith [1951] 1 K.B. 295; 66 T.L.R. (Pt. 2) 627; [1950] 2 All E.R. 662

Longhurst *v.* Guildford, Godalming and District Water Board [1960] 3 W.L.R. 1059; [1960] 3 All E.R. 664, C.A.; [1960] 2 Q.B. 265; [1960] 2 W.L.R. 383; [1960] 1 All E.R. 54

Longman, *In re.* Westminster Bank Ltd. *v.* Hatton [1955] 1 W.L.R. 197; [1955] 1 All E.R. 455

Longmuir *v.* Kew [1960] 1 W.L.R. 862; [1960] 3 All E.R. 26

Longsdon *v.* Minister of Pensions and National Insurance [1956] 1 Q.B. 587; [1956] 2 W.L.R. 176; [1956] 1 All E.R. 83

Longthorn *v.* British Transport Commission [1959] 1 W.L.R. 530; [1959] 2 All E.R. 32 (C.A.)

Lonnkvist *v.* Lonnkvist [1952] W.N. 88, D.C.

Lonsdale Will Trusts, *In re.* Lowther *v.* Lowther [1960] Ch. 288; [1959] 3 W.L.R. 879; [1959] 3 All E.R. 679 (C.A.)

Lort-Williams *v.* Lort-Williams [1951] W.N. 314; [1951] P. 395; [1951] 2 T.L.R. 200; [1951] 2 All E.R 241, C.A.
Loudon *v.* Ryder [1953] 2 Q.B. 202; [1953] 2 W.L.R. 537; [1953] 1 All E.R. 741 (C.A.)
Loudon *v.* Ryder (No. 2) [1953] Ch. 423; [1953] 2 W.L.R. 863; [1953] 1 All E.R. 1005
Louis Dreyfus & Cie *v.* Parnaso Cia. Naviera S.A. [1960] 1 Q.B. 49; [1960] 2 W.L.R. 637; [1960] 2 All E.R. 759, C.A.
Loutfi Pasha *v.* Czarnikow (C.) [1952] W.N. 481; [1952] 2 All E.R. 823n.
Love (J. W.), *In re. Ex parte* The Official Receiver *v.* Kingston-on-Thames County Court Registrar [1951] Ch. 952; [1951] 2 T.L.R. 183; [1951] 2 All E.R. 321; [1952] Ch. 138; [1951] 2 T.L.R. 1207; [1951] 2 All E.R. 1016, C.A.
Love *v.* Pharaoh & Roberts (Practice Note) [1954] 1 W.L.R. 190; [1954] 1 All E.R. 120n.
Lowe *v.* Lombank Ltd. [1960] 1 W.L.R. 196; [1960] 1 All E.R. 611, C.A.
Lovelace *v.* Director of Public Prosecutions [1954] 1 W.L.R. 1468; [1954] 3 All E.R. 481 (D.C.)
Lowe *v.* Lowe [1952] P. 376; [1952] 2 T.L.R. 505; [1952] 2 All E.R. 671
Lower *v.* Porter [1956] 1 Q.B. 325; [1956] 2 W.L.R. 215; [1956] 1 All E.R. 150 (C.A.)
Lowry *v.* Lowry [1952] P. 252; [1952] 1 T.L.R. 1508; [1952] 2 All E.R. 61 (D.C.)
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Lund *v.* Thompson [1959] 1 Q.B. 283; [1958] 3 W.L.R. 594; [1958] 3 All E.R. 356, D.C.
Lupkovics, *In re. Ex parte* The Trustee *v.* Freville [1954] 1 W.L.R. 1234; [1954] 2 All E.R. 125
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Lybbe, decd., *In re.* Kildahl *v.* Bowker [1954] 1 W.L.R. 573; [1954] 1 All E.R. 487
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Lyle & Scott Ltd. *v.* British Investment Trust Ltd. [1959] A.C. 763; [1959] 3 W.L.R. 133; [1959] 2 All E.R. 661 (H.L.)
Lyle & Scott Ltd. *v.* Scott's Trustees [1959] A.C. 763; [1959] 3 W.L.R. 133; [1959] 2 All E.R. 661 (H.L.)
Lyle-Mellor *v.* A. Lewis & Co. (Westminster) Ltd. [1956] 1 W.L.R. 29; [1956] 1 All E.R. 247 (C.A.)
Lynch *v.* Thorne [1956] 1 W.L.R. 303; [1956] 1 All E.R. 744 (C.A.)
Lyon *v.* Lyon [1953] P. 1; [1952] 2 T.L.R. 775; [1952] 2 All E.R. 831
Lyons, *In re* [1951] Ch. 1093; [1951] 2 T.L.R. 429; [1951] 2 All E.R. 507; [1952] Ch. 129; [1951] 2 T.L.R. 1256; [1952] 1 All E.R. 34, C.A.
Lyons *v.* Central Commercial Properties (London) Ltd. [1958] 1 W.L.R. 869; [1958] 2 All E.R. 767, C.A.

M. (An Infant), *In re* [1955] 2 Q.B. 479; [1955] 3 W.L.R. 320; [1955] 2 All E.R. 911, C.A.; [1960] 3 W.L.R. 1045, C.A.; [1961] Ch. 81
M. *v.* M. (orse. B.) [1957] P. 139; [1956] 3 W.L.R. 975; [1956] 3 All E.R. 769
M. & J. S. Properties Ltd. *v.* White [1959] 2 Q.B. 25; [1959] 2 W.L.R. 525; [1959] 2 All E.R. 81 (C.A.)
M. & S. Drapers (a Firm) *v.* Reynolds [1957] 1 W.L.R. 9; [1956] 3 All E.R. 814 (C.A.)
Macalpine *v.* Macalpine [1958] P. 35; [1957] 3 W.L.R. 698; [1957] 3 All E.R. 134
McArdle, decd., *In re* [1951] Ch. 669; [1951] 1 All E.R. 905 (C.A.)
McCarthy *v.* Coldair Ltd. [1951] W.N. 590; [1951] 2 T.L.R. 1226 (C.A.)
McCarthy *v.* Lewis [1957] 1 Q.B. 475; [1957] 2 W.L.R. 300; [1957] 1 All E.R. 556 (D.C.)
McCarthy *v.* Raylton Productions Ltd. [1951] W.N. 376 (C.A.)
McClelland *v.* Northern Ireland General Health Services Board [1957] 1 W.L.R. 594; [1957] 2 All E.R. 129 (H.L.)
McCombe *v.* Read [1955] 2 Q.B. 429; [1955] 1 W.L.R. 635; [1955] 2 All E.R. 458
McCrone *v.* J. & L. Rigby (Wigan) Ltd. [1951] W.N. 626; [1951] 2 T.L.R. 911 (D.C.)
McCulloch *v.* Hannam [1951] W.N. 162; [1951] 1 T.L.R. 519; [1951] 1 All E.R. 402 (D.C.)
McDonald *v.* British Transport Commission [1955] 1 W.L.R. 1323; [1955] 3 All E.R. 789
McDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240 (C.A.)
McDonald *v.* John Twiname Ltd. [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347; [1953] 2 All E.R. 589 (C.A.)
McDonnell *v.* Neil [1951] A.C. 342; [1951] 1 T.L.R. 642 (P.C.)
McDougall, decd., *In re.* Thompson *v.* Fitzgerald [1957] 1 W.L.R. 81; [1956] 3 All E.R. 867
McDougall *v.* Aeromarine of Emsworth Ltd. [1958] 1 W.L.R. 1126; [1958] 3 All E.R. 431
Macfarlane *v.* Gwalter [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268; [1958] 1 All E.R. 181, C.A.
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McInnes *v.* Clarke [1955] 1 W.L.R. 102; [1955] 1 All E.R. 346 (D.C.)
McIntosh *v.* Manchester Corpn. [1952] W.N. 390; [1952] 2 All E.R. 444; [1952] W.N. 175; [1952] 1 T.L.R. 894; [1952] 1 All E.R. 763, C.A.
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McKee *v.* McKee [1951] A.C. 352; [1951] 1 T.L.R. 755; [1951] 1 All E.R. 942 (P.C.)
McKenna *v.* Porter Motors Ltd. [1956] A.C. 688; [1956] 3 W.L.R. 658; [1956] 3 All E.R. 262, P.C.
McKinley *v.* McKinley [1960] 1 W.L.R. 120; [1960] 1 All E.R. 476

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Maclaren's Settlement, *In re* [1951] W.N. 394; [1951] 2 T.L.R. 209; [1951] 2 All E.R. 414
Maclean *v.* Maclean [1951] 1 All E.R. 967 (C.A.)
Maclean (Inspector of Taxes) *v.* Trembath [1956] 1 W.L.R. 437; [1956] 2 All E.R. 113 (T.C.)
McLellan *v.* McLellan [1954] P. 138; [1953] 3 W.L.R. 1139; [1954] 1 All E.R. 1
MacLeod Ross & Co. Ltd. *v.* Compagnie D'Assurance L'Helvetia de St. Gall [1952] W.N. 56; [1952] 1 T.L.R. 314; [1952] 1 All E.R. 331, C.A.
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McNeill *v.* Johnstone [1958] 1 W.L.R. 888; [1958] 3 All E.R. 16
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Maerkle *v.* British Continental Fur Co. Ltd. [1954] 1 W.L.R. 1242; [1954] 3 All E.R. 50 (C.A.)
Magee *v.* Morris [1954] 1 W.L.R. 806; [1954] 2 All E.R. 276 (D.C.)
Magor and St. Mellons R. D. C. *v.* Newport Corpn. [1952] A.C. 189; [1951] 2 T.L.R. 935; [1951] 2 All E.R. 839 (H.L.)
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Mallinson (William) & Sons (Mfg.) Ltd. *v.* Key Transport Co. Ltd. [1960] 1 W.L.R. 1301; [1960] 3 All E.R. 735
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Manchester Corpn. *v.* Manchester Palace of Varieties Ltd. [1955] P. 133; [1955] 2 W.L.R. 440; [1955] 1 All E.R. 387
Mandavia *v.* Income Tax Commissioner [1959] A.C. 114; [1959] 2 W.L.R. 5
Mann, A Debtor, *In re.* *Ex parte* The Debtor *v.* Harrods Ltd. [1958] 1 W.L.R. 1272; [1958] 3 All E.R. 660, D.C.
Manners, decd., *In re.* Public Trustee *v.* Manners [1955] 1 W.L.R. 1096; [1955] 3 All E.R. 83, C.A.
Manning *v.* Hammond [1951] W.N. 525; [1951] 2 All E.R. 815, D.C.
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Maori Trustee *v.* Ministry of Works [1959] A.C. 1; [1958] 3 W.L.R. 536; [1958] 3 All E.R. 336, P.C.
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Marela Ltd. *v.* Machorowski [1953] 1 Q.B. 565; [1953] 2 W.L.R. 831; [1953] 1 All E.R. 960, C.A.
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Marles *v.* Philip Trant & Sons Ltd. [1954] 1 Q.B. 29; [1953] 2 W.L.R. 564; [1953] 1 All E.R. 651, C.A.
Marly Laboratory Ltd.'s Application, *In re* [1952] W.N. 195; [1952] 1 All E.R. 1057, C.A.
Marsden *v.* Regan [1954] 1 W.L.R. 423; [1954] 1 All E.R. 475, C.A.

Marshall, decd., *In re.* Barclays Bank Ltd. *v.* Marshall [1957] Ch. 263 & 507; [1957] 2 W.L.R. 439 & 3 W.L.R. 538; [1957] 1 All E.R. 549 & 3 All E.R. 172, C.A.
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Marshall (W. F.) Ltd. *v.* Barnes & Fitzpatrick [1953] 1 W.L.R. 639; [1953] 1 All E.R. 970
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Mason *v.* Clarke [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48; [1955] A.C. 778; [1955] 2 W.L.R. 853; [1954] 1 All E.R. 189, C.A.
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Mauray *v.* Durley Chine (Invests.) Ltd. [1953] 2 Q.B. 433; [1953] 1 W.L.R. 524 & 3 W.L.R. 296; [1953] 1 All E.R. 712 & 2 All E.R. 458, C.A.
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Mead *v.* Chelmsford R. D. C. [1953] 1 Q.B. 32; [1952] 2 T.L.R. 700; [1952] 2 All E.R. 723, D.C.
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Meghji Lakhamshi & Bros. *v.* Furniture Workshop [1954] A.C. 80; [1954] 2 W.L.R. 159; [1954] 1 All E.R. 273, P.C.
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Metliss *v.* National Bank of Greece and Athens S.A. [1957] 2 Q.B. 33; [1957] 2 W.L.R. 570; [1957] 2 All E.R. 1, C.A.
Metropolitan Police District Receiver *v.* Croydon Corpn. [1956] 1 W.L.R. 1113; [1957] 2 Q.B. 154; [1957] 2 W.L.R. 33; [1957] 1 All E.R. 78, C.A.
Metropolitan Water Board *v.* Borough of Hertford [1953] 1 W.L.R. 622; [1953] 1 All E.R. 1047, C.A.
Meux, decd., *In re.* Gilmour *v.* Gilmour [1958] Ch. 154; [1957] 3 W.L.R. 377; [1957] 2 All E.R. 630
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Midland Railway Co. of Western Australia Ltd. *v.* State of Western Australia [1956] 1 W.L.R. 1037; [1956] 3 All E.R. 272, P.C.
Midland Silicones Ltd. *v.* Scruttons Ltd. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761; [1959] 2 All E.R. 289; [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372; [1960] 2 All E.R. 737, C.A.
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Muheetha *v.* Leyandeen [1953] A.C. 320; [1953] 2 W.L.R. 266 (P.C.)
Muir *v.* James [1953] 1 Q.B. 454; [1953] 2 W.L.R. 423; [1953] 1 All E.R. 494n. (C.A.)
Mulready *v.* J. H. & W. Bell Ltd. [1953] 2 Q.B. 117; [1953] 3 W.L.R. 100; [1952] 2 All E.R. 663, C.A.
Mumford *v.* Hardy [1956] 1 W.L.R. 163; [1956] 1 All E.R. 337 (D.C.)
Mumford *v.* Naylor [1951] W.N. 241, 579; [1951] 1 T.L.R. 1068, C.A.
Munday *v.* Munday [1954] 1 W.L.R. 1078; [1954] 2 All E.R. 667 (D.C.)
Mungoni *v.* Attorney-General of Northern Rhodesia [1960] A.C. 336; [1960] 2 W.L.R. 389; [1960] 1 All E.R. 446, P.C.
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Murray, decd., *In re.* Martins Bank Ltd. *v.* Dill [1955] Ch. 69; [1954] 3 W.L.R. 521; [1954] 3 All E.R. 129 (C.A.)
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Murray Bull & Co. Ltd. *v.* Murray [1953] 1 Q.B. 211; [1952] 2 T.L.R. 1003; [1952] 2 All E.R. 1079
Murugiah *v.* Jainudeen [1955] A.C. 145; [1954] 3 W.L.R. 682 (P.C.)
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Mwenya, *Ex parte* [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, 767; [1959] 3 All E.R. 525, C.A.

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National Assistance Board *v.* Prisk [1954] 1 W.L.R. 443; [1954] 1 All E.R. 400 (D.C.)
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National Coal Board, *Ex parte* [1958] 1 W.L.R. 599; [1958] 2 All E.R. 351n.
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National Coal Board *v.* Galley [1958] 1 W.L.R. 16; [1958] 1 All E.R. 91 (C.A.)
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National Institute of Agricultural Botany Trustees *v.* Cambridge C. C. [1957] 2 Q.B. 68; [1957] 2 W.L.R. 646; [1957] 1 All E.R. 882, C.A.
National Mutual Life Assocn. of Australasia Ltd. *v.* Att.-Gen. for New Zealand [1956] A.C. 369; [1956] 2 W.L.R. 532; [1956] 1 All E.R. 721 (P.C.)
National Pig Progeny Testing Board *v.* Greenall [1960] 1 W.L.R. 1265; [1960] 3 All E.R. 556, C.A.
National Provincial Bank Ltd. *v.* Dawson [1954] 1 Q.B. 288; [1953] 3 W.L.R. 969; [1953] 2 All E.R. 1393
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Neath R. D. C. *v.* Williams [1951] 1 K.B. 115; 66 T.L.R. (Pt. 2) 539; [1950] 2 All E.R. 625 (D.C.)
Neeld, decd., *In re* [1960] Ch. 455; [1960] 2 W.L.R. 730; [1960] 2 All E.R. 33
Nelson *v.* Nelson [1958] 1 W.L.R. 894; [1958] 2 All E.R. 744, C.A.
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Neuchatel Asphalte Co. Ltd. *v.* Barnett [1957] 1 W.L.R. 356; [1957] 1 All E.R. 362 (C.A.)
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Newman *v.* Newman [1958] 1 W.L.R. 35; [1957] 3 All E.R. 698 (D.C.)
Newson *v.* Robertson (Inspector of Taxes) [1953] Ch. 7; [1952] 2 T.L.R. 636; [1952] 2 All E.R. 728 (C.A.)
Newton *v.* Biggs [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203; [1953] 1 All E.R. 99 (C.A.)
Newton *v.* Commr. of Taxation of Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195; [1958] 2 All E.R. 759 (P.C.)
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Nicholson *v.* Atlas Steel Foundry and Engineering Co. Ltd. [1957] 1 W.L.R. 613; [1957] 1 All E.R. 776 (H.L.)
Nicholson *v.* Little [1956] 1 W.L.R. 829; [1956] 2 All E.R. 699 (C.A.)
Nicolene Ltd. *v.* Simmonds [1953] 1 Q.B. 543; [1953] 2 W.L.R. 717; [1953] 1 All E.R. 822 (C.A.)
Nicolle *v.* Wigram [1954] A.C. 301; [1954] 2 W.L.R. 962 (P.C.)
Nightingale *v.* Courtney [1954] 1 Q.B. 399; [1954] 2 W.L.R. 266; [1954] 1 All E.R. 362 (C.A.)
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Nolan *v.* C. & C. Marshall Ltd. [1954] 2 Q.B. 42; [1953] 3 W.L.R. 257; [1954] 2 W.L.R. 285; [1953] 2 All E.R. 389; [1954] 1 All E.R. 328 (C.A.)
Nolan *v.* Dental Manufg. Co. Ltd. [1958] 1 W.L.R. 936; [1958] 2 All E.R. 449
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Noronha *v.* Devji [1954] A.C. 49; [1953] 3 W.L.R. 972 (P.C.)
Norris *v.* Edmonton Corpn. [1957] 2 Q.B. 564; [1957] 3 W.L.R. 388; [1957] 2 All E.R. 801 (D.C.)

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Oakes *v.* Commissioner of Stamp Duties of New South Wales [1954] A.C. 57; [1953] 3 W.L.R. 1127; [1953] 2 All E.R. 1563 (P.C.)
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Oliver *v.* Ashman [1961] 1 Q.B. 337; [1960] 3 W.L.R. 924; [1960] 3 All E.R. 677
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Parker Davies and Hughes Ltd., In re [1953] 1 W.L.R. 1349; [1953] 2 All E.R. 1158
Parkes *v.* Knowles [1957] 1 W.L.R. 1040; [1957] 3 W.L.R. 600
Parkes' Settlmt., *In re.* Midland Bank Executor etc. Co. Ltd. *v.* Inland Revenue Commrs. [1956] 1 W.L.R. 397; [1956] 1 All E.R. 833 (C.A.)
Parkin *v.* Camberwell B. C. [1958] 1 Q.B. 19; [1957] 3 W.L.R. 490; [1957] 3 All E.R. 71 (C.A.)
Parkinson *v.* Axon [1951] 2 K.B. 678; [1951] 2 All E.R. 647, D.C.
Parkinson *v.* Barclays Bank Ltd. [1951] 1 K.B. 368; 66 T.L.R. (Pt. 2) 783; [1950] 2 All E.R. 936 (C.A.)
Parkinson *v.* H. & J. Plumpton [1954] 1 W.L.R. 75; [1954] 1 All E.R. 201
Parliamentary Privilege Act, 1770, *In re* [1958] A.C. 331; [1958] 2 W.L.R. 912; [1958] 2 All E.R. 329 (P.C.)
Parojcic (orse. Ivetic) *v.* Parojcic [1958] 1 W.L.R. 1280; [1959] 1 All E.R. 1
Parrington *v.* Parrington [1951] W.N. 534; [1951] 2 T.L.R. 918; [1951] 2 All E.R. 916
Parrock *v.* Parrock [1956] 1 W.L.R. 270; [1956] 1 All E.R. 555
Partabmull Rameshar *v.* K. C. Sethia (1944) Ltd. [1951] W.N. 389; [1951] 2 All E.R. 352, H.L.
Parvin *v.* Morton Machine Co. Ltd. [1952] A.C. 515; [1952] 1 T.L.R. 682; [1952] 1 All E.R. 670, H.L.
Pasmore *v.* Whitbread & Co. Ltd. [1953] 2 Q.B. 226; [1953] 2 W.L.R. 359; [1953] 1 All E.R. 361 (C.A.)
Patch *v.* United Bristol Hospital Board [1959] 1 W.L.R. 955; [1959] 3 All E.R. 876
Patel *v.* Premabhai [1954] A.C. 35; [1953] 3 W.L.R. 836 (P.C.)
Patel *v.* Willis [1951] 2 K.B. 78; [1951] 1 T.L.R. 807; [1951] 1 All E.R. 470, D.C.
Patrick (Inspector of Taxes) *v.* Broadstone Mills Ltd. [1954] 1 W.L.R. 158; [1954] 1 All E.R. 163 (C.A.)
Patterson *v.* Ellis [1957] 1 W.L.R. 857; [1957] 2 All E.R. 510 (C.A.)
Patterson *v.* Solomon [1960] A.C. 579; [1960] 2 W.L.R. 685; [1960] 2 All E.R. 20, P.C.
Pauley *v.* Kenaldo Ltd. [1953] 1 W.L.R. 187; [1953] 1 All E.R. 226
Paver *v.* Standard Motor Co. Ltd. [1957] 1 W.L.R. 958; [1957] 3 All E.R. 222 (C.A.)
Pavia & Co., S. P. A. *v.* Thurmann-Nielsen [1951] W.N. 533; [1951] 2 T.L.R. 802; [1951] 2 All E.R. 866; [1952] 2 Q.B. 84; [1952] 1 T.L.R. 586; [1952] 1 All E.R. 492, C.A.

Pavlides *v.* Jensen [1956] Ch. 565; [1956] 3 W.L.R. 224; [1956] 2 All E.R. 518
Pawson *v.* Revell [1958] 2 Q.B. 360; [1958] 3 W.L.R. 474; [1958] 3 All E.R. 233 (C.A.)
Payne *v.* Cooper [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741; [1957] 3 All E.R. 335 (C.A.)
Payne *v.* Railway Executive [1951] W.N. 240; [1951] 1 T.L.R. 921; [1951] 1 All E.R. 1034; [1952] 1 K.B. 26; [1951] 2 T.L.R. 929; [1951] 2 All E.R. 910, C.A.
Payne *v.* Weldless Steel Tube Co. Ltd. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771; [1955] 3 All E.R. 612 (C.A.)
Payton, decd., *In re* [1951] Ch. 1081; [1951] 2 T.L.R. 235; [1951] 2 All E.R. 425, C.A.
Peacock, decd., *In re.* Midland Bank Exor. Co. *v.* Peacock [1957] Ch. 310; [1957] 2 W.L.R. 795; [1957] 2 All E.R. 98
Peacock *v.* Amusement Equip. Co. Ltd. [1954] 1 Q.B. 347; [1954] 1 W.L.R. 803 & 3 W.L.R. 288; [1954] 2 All E.R. 689 (C.A.)
Peak *v.* Burley Golf Club [1960] 1 W.L.R. 568; [1960] 2 All E.R. 199, C.A.
Pearce *v.* Pearce [1960] 1 W.L.R. 855; [1960] 3 All E.R. 21
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Pearlberg *v.* May [1951] Ch. 104 & 699; [1951] 2 T.L.R. 1; [1951] 1 All E.R. 1001, C.A.
Pearlman (Veneers) S.A. (Pty.) Ltd. *v.* Bernhard Bartels [1954] 1 W.L.R. 1457; [1954] 3 All E.R. 659 (C.A.)
Pearse *v.* Hart [1955] 1 W.L.R. 67n.; [1955] 1 All E.R. 91n. (D.C.)
Pearson *v.* Boyes [1953] 1 W.L.R. 384; [1953] 1 All E.R. 492 (D.C.)
Pearson *v.* Rose & Young Ltd. [1951] 1 K.B. 275; 66 T.L.R. (Pt. 2) 886; [1950] 2 All E.R. 1027 (C.A.)
Pease *v.* George [1960] 1 W.L.R. 427; [1960] 1 All E.R. 709, C.A.
Peete, *In re.* Peete *v.* Crompton [1952] W.N. 306; [1952] 2 T.L.R. 383; [1952] 2 All E.R. 599
Pegler *v.* Craven [1952] 2 Q.B. 69; [1952] 1 T.L.R. 586; [1952] 1 All E.R. 685, C.A.
Pelly's Will Trusts, *In re.* Ransome *v.* Pelly [1956] Ch. 81; [1955] 3 W.L.R. 696; [1955] 3 All E.R. 483; [1957] Ch. 1; [1956] 3 W.L.R. 26; [1956] 2 All E.R. 326 (C.A.)
Pemberton *v.* Bright [1960] 1 W.L.R. 436; [1960] 1 All E.R. 792, C.A.
Pender *v.* Smith [1959] 2 Q.B. 84; [1959] 2 W.L.R. 794; [1959] 2 All E.R. 360 (D.C.)
Penfold *v.* Pearlberg [1955] 1 W.L.R. 1068; [1955] 3 All E.R. 120
Penhas *v.* Tan Soo Eng [1953] A.C. 304; [1953] 2 W.L.R. 459 (P.C.)
Penn *v.* Gatenex Co. Ltd. [1958] 2 Q.B. 210; [1958] 2 W.L.R. 606; [1958] 1 All E.R. 712 (C.A.)
Penney *v.* Berry [1955] 1 W.L.R. 1021; [1955] 3 All E.R. 182 (C.A.)
Pentecost *v.* London Dist. Auditor [1951] 2 K.B. 759; [1951] 2 T.L.R. 497; [1951] 2 All E.R. 330, D.C.
People's Refreshment House Assoc. Ltd. *v.* Jones [1954] 1 W.L.R. 339; [1954] 1 All E.R. 317 (D.C.)
Pepper *v.* Pepper [1960] 1 W.L.R. 131; [1960] 1 All E.R. 529
Peradeniya Service Bus Co. *v.* Sri Lanka Omnibus Co. [1952] W.N. 373 (P.C.)
Percival *v.* Stanton [1954] 1 W.L.R. 300; [1954] 1 All E.R. 392 (D.C.)
Perera *v.* Perera [1960] A.C. 571; [1960] 2 W.L.R. 652
Perera *v.* The King [1951] A.C. 482; [1951] 1 T.L.R. 829 (P.C.)
Perera *v.* Vandiyar [1953] 1 W.L.R. 672; [1953] 1 All E.R. 1109 (C.A.)
Perez *v.* C. A. V. Ltd. [1959] 1 W.L.R. 724; [1959] 2 All E.R. 414
Perkowski *v.* Wellington Corpn. [1959] A.C. 53; [1958] 3 W.L.R. 564; [1958] 3 All E.R. 368 (P.C.)
Perowne, decd., *In re* [1951] Ch. 785; [1951] 1 T.L.R. 1135; [1951] 2 All E.R. 201
Perpetual Executors and Trustees Assoc. of Australia Ltd. *v.* Commissioners of Taxes of Australia [1954] A.C. 114; [1954] 2 W.L.R. 171; [1954] 1 All E.R. 339 (P.C.)
Perpetual Executors Trustees and Agency Co. (W.A.) Ltd., as Executor of the Will of Patrick Andrew Connolly, decd. *v.* George Alfred Maslen and Commonwealth of Australia [1952] A.C. 215 (P.C.)
Perpetual Trustee Co. Ltd. *v.* Commr. of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 451; [1956] 1 All E.R. 502, P.C.
Perpetual Trustee Co. (Ltd.) *v.* Pacific Coal Co. Pty. Ltd. [1956] A.C. 165; [1956] 2 W.L.R. 105; [1956] 1 All E.R. 92 (P.C.)
Perreyman, *In re* [1952] W.N. 355; [1953] 1 All E.R. 223
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Perrins *v.* Perrins [1951] 2 K.B. 414; [1951] 1 T.L.R. 915; [1951] 1 All E.R. 1075, D.C.
Perrott (J. F.) & Co. Ltd. *v.* Cohen [1951] 1 K.B. 705; [1950] 2 All E.R. 939 (C.A.)
Perry *v.* Dembowski [1951] 2 K.B. 420; [1951] 1 T.L.R. 1166; [1951] 2 All E.R. 50, C.A.
Perry *v.* Garner [1953] 1 Q.B. 335; [1953] 2 W.L.R. 271; [1953] 1 All E.R. 285 (D.C.)
Perry *v.* Kendricks Transport Ltd. [1956] 1 W.L.R. 85; [1956] 1 All E.R. 154 (C.A.)
Perry *v.* Perry [1952] P. 203; [1952] 1 T.L.R. 1633; [1952] 1 All E.R. 1076, C.A.
Perry *v.* Stopher [1959] 1 W.L.R. 415; [1959] 1 All E.R. 713 (C.A.)
Perry *v.* Thomas Wrigley Ltd. [1955] 1 W.L.R. 1164; [1955] 3 All E.R. 243n.
Peterborough Corporation *v.* Holdich [1956] 1 Q.B. 124; [1955] 3 W.L.R. 626; [1955] 3 All E.R. 424 (D.C.)
Petherick *v.* Buckland [1955] 1 W.L.R. 48; [1955] 1 All E.R. 151 (D.C.)
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Phenol Producers' Agreement, *In re*, L.R. 2 R.P. 1; [1960] 1 W.L.R. 464; [1960] 2 All E.R. 128

Phenol Producers' Agreement, *In re* (Practice Note), L.R. 2 R.P. 49; [1960] 2 All E.R. 128
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Philipson-Stow *v.* Inland Revenue Comrs. [1960] 3 W.L.R. 1008; [1960] Ch. 313; [1960] 2 W.L.R. 32; [1959] Ch. 395; [1959] 2 W.L.R. 427; [1959] 1 All E.R. 583; [1959] 3 All E.R. 879, C.A.
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Phipps *v.* Orthodox Unit Trusts Ltd. [1958] 1 Q.B. 314; [1957] 3 W.L.R. 856; [1957] 3 All E.R. 305 (C.A.)
Phipps *v.* Rochester Corpn. [1955] 1 Q.B. 450; [1955] 2 W.L.R. 23; [1955] 1 All E.R. 129
Phoenix Assce. Co. Ltd. *v.* Logan (Inspector of Taxes) [1955] 2 All E.R. 552; [1956] Ch. 524; [1956] 2 W.L.R. 71 & 3 W.L.R. 238; [1956] 2 All E.R. 642; [1958] A.C. 184; [1957] 3 W.L.R. 362; [1957] 2 All E.R. 760, H.L.
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Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521; [1960] 1 All E.R. 778
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Piddock *v.* Clifford Products Ltd. [1960] 1 W.L.R. 1383; [1960] 3 All E.R. 805
Pigney *v.* Pointer's Transport Services Ltd. [1957] 1 W.L.R. 1121; [1957] 2 All E.R. 807
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Pilbury *v.* Brazier [1951] 1 K.B. 340; 66 T.L.R. (Pt. 2) 763; [1950] 2 All E.R. 835 (D.C.)
Pilcher *v.* Pilcher [1955] P. 318; [1955] 3 W.L.R. 231; [1955] 2 All E.R. 644 (D.C.)
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Planter, The [1955] 1 W.L.R. 898; [1955] 2 All E.R. 751n.
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Poole's Settlement Trusts, *In re* [1959] 1 W.L.R. 651; [1959] 2 All E.R. 340
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Porter (C. E.), *In re. Ex parte* Board of Trade *v.* Ollard, Ollard & Sessions [1954] 1 W.L.R. 1133; [1954] 2 All E.R. 795
Portman Building Society *v.* Gallwey [1955] 1 W.L.R. 96; [1955] 1 All E.R. 227
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Powe, decd., In the Estate of. Powe *v.* Barclays Bank Ltd. [1956] P. 110; [1955] 3 W.L.R. 767; [1955] 3 All E.R. 448
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Practice Direction (Chambers Applications) [1959] 1 W.L.R. 822; [1959] 3 All E.R. 97
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Practice Direction (Custody Order) [1953] 1 W.L.R. 707
Practice Direction (Day for Trial) [1953] 1 W.L.R. 894
Practice Direction (Disclosure of Addresses) [1957] 1 W.L.R. 810; [1957] 2 All E.R. 504
Practice Direction (Drawing Up of Orders) [1960] 1 W.L.R. 1166
Practice Direction (Enemy Property) [1951] W.N. 300
Practice Direction (Estimated Length of Trial) [1959] 1 W.L.R. 258; [1959] 1 All E.R. 576
Practice Direction (Evidence) [1956] 1 W.L.R. 1500; [1956] 3 All E.R. 745n.
Practice Direction (Fixed Dates for Non-Jury Actions) [1957] 1 W.L.R. 183; [1957] 1 All E.R. 219
Practice Direction (Fixed Dates for Non-Jury Actions) (No. 2) [1957] 1 W.L.R. 558; [1957] 2 All E.R. 97
Practice Direction (Foreign Law) [1957] 1 W.L.R. 462; [1957] 1 All E.R. 576
Practice Direction (Foreign Marriages) [1955] 1 W.L.R. 668; [1955] 2 All E.R. 465
Practice Direction (Foreign Marriages) [1958] 1 W.L.R. 177; [1958] 1 All E.R. 364
Practice Direction (Form of Divorce Decree) [1959] 1 W.L.R. 210; [1959] 1 All E.R. 345
Practice Direction (Grant to Trust Corpn.) [1956] 1 W.L.R. 127; [1956] 1 All E.R. 305

Practice Direction (Grants of Administration) [1951] W.N. 167
Practice Direction (Grants of Representation) [1953] 1 W.L.R. 1237; [1953] 2 All E.R. 1154
Practice Direction (Guardianship of Infants Acts, 1886 & 1925) [1955] 1 W.L.R. 335; [1955] 1 All E.R. 784; [1957] 1 W.L.R. 104; [1960] 1 W.L.R. 744; [1960] 2 All E.R. 862
Practice Direction (Insanity: Appointment of Guardian) [1958] 1 W.L.R. 1015; [1958] 3 All E.R. 240
Practice Direction (Judicature Fee Stamps) [1957] 1 W.L.R. 1142; [1957] 3 All E.R. 298
Practice Direction (Jury Actions) [1960] 1 W.L.R. 658
Practice Direction (Legal Aid) [1959] 1 W.L.R. 340
Practice Direction (Maintenance) [1960] 1 W.L.R. 566
Practice Direction (Maintenance Agreements) [1958] 1 W.L.R. 258; [1958] 1 All E.R. 464
Practice Direction (Matrimonial Causes on Circuit) [1958] 1 W.L.R. 1105; [1958] 3 All E.R. 352
Practice Direction (Minutes of Order) [1960] 1 W.L.R. 1168
Practice Direction (Mortgage: Originating Summons for Possession) [1958] 1 W.L.R. 655
Practice Direction (Mortgages) [1954] 1 W.L.R. 1389; [1955] 1 W.L.R. 36
Practice Direction (Non-Capital Murder) [1957] 1 W.L.R. 750; [1957] 2 All E.R. 378
Practice Direction (Non-Jury List: Postponement of Cases) [1957] 1 W.L.R. 439; [1957] 1 All E.R. 422
Practice Direction (Originating Summons) [1957] 1 W.L.R. 259
Practice Direction (Patents) [1957] 1 W.L.R. 1251; [1957] 3 All E.R. 697; [1960] 1 W.L.R. 1272
Practice Direction (Payment Out) [1958] 1 W.L.R. 856; [1958] 2 All E.R. 785
Practice Direction (Petition) [1959] 1 W.L.R. 550; [1959] 2 All E.R. 163
Practice Direction (Powers of Masters) [1960] 1 W.L.R. 1195
Practice Direction (Powers of Masters under R.S.C., Ord. 55, r. 15) [1955] 1 W.L.R. 427; [1955] 1 All E.R. 913
Practice Direction (Prayer for Discretion) [1957] 1 W.L.R. 558; [1957] 1 All E.R. 860
Practice Direction (Probate Grants) [1954] 1 W.L.R. 854
Practice Direction (Refresher Fees to Counsel) [1959] 1 W.L.R. 350; [1959] 1 All E.R. 733
Practice Direction (Representation: Mental Incapacity) [1958] 1 W.L.R. 791; [1958] 2 All E.R. 600
Practice Direction (Resealing) [1954] 1 W.L.R. 1046; [1954] 2 All E.R. 534
Practice Direction (Restrictive Practices) [1957] 1 W.L.R. 931 & 1182; [1958] 1 W.L.R. 1213; L.R. 1 R.P. 21 & 116
Practice Direction (Restrictive Practices Court—Applications) [1958] 1 W.L.R. 1299; L.R. 1 R.P. 207; [1958] 3 All E.R. 681
Practice Direction (Review of Taxation) [1960] 1 W.L.R. 1142
Practice Direction (Review of Taxation) [1960] 1 W.L.R. 1194
Practice Direction (Review of Taxation) [1960] 1 W.L.R. 1226; [1960] 3 All E.R. 448
Practice Direction (Sentence) [1959] 1 W.L.R. 491; [1959] 2 All E.R. 144
Practice Direction (Service of Notice of Appeal Out of Time) [1958] 1 W.L.R. 761; [1958] 2 All E.R. 493
Practice Direction (Settlements on Assize) [1953] 1 W.L.R. 1479; [1953] 2 All E.R. 1561
Practice Direction (Spanish Wills) [1953] 1 W.L.R. 459
Practice Direction (Summonses) [1953] 1 W.L.R. 474
Practice Direction (Title of Proceedings) [1959] 1 W.L.R. 743
Practice Direction (Transcripts) [1955] 1 W.L.R. 975; [1955] 3 All E.R. 82n.
Practice Direction (Trials in Middlesex) [1958] 1 W.L.R. 1291; [1958] 3 All E.R. 678
Practice Direction (Trustee's Absence) [1960] 1 W.L.R. 355
Practice Direction (Trustee's Costs) [1953] 1 W.L.R. 1365; [1953] 2 All E.R. 1159
Practice Direction (Wills: Signature) [1953] 1 W.L.R. 689
Practice Direction (Witness List) [1954] 1 W.L.R. 693
Practice Direction (Writ of Possession) [1955] 1 W.L.R. 1314; [1955] 3 All E.R. 646
Practice Note [1952] W.N. 42
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Practice Note [1952] W.N. 245; [1952] 1 T.L.R. 1163
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Practice Note [1952] W.N. 304
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Practice Note [1952] W.N. 396
Practice Note [1952] W.N. 449; [1952] 2 T.L.R. 620
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Practice Note [1952] W.N. 505; [1952] 2 All E.R. 1004
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Practice Note (Appeals) [1953] 1 W.L.R. 1
Practice Note (Appeals and Committals to Quarter Sessions) [1956] 1 Q.B. 451; [1956] 2 W.L.R. 681
Practice Note (Application to Appeal Out of Time) [1951] W.N. 49
Practice Note (Arbitration) [1952] W.N. 318; [1952] 1 T.L.R. 1632n.; [1952] 2 All E.R. 152

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Practice Note, C.C.A. [1952] W.N. 185
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Practice Note (Committal to Quarter Sessions), Regina *v.* Pegg [1952] W.N. 352; [1952] 2 T.L.R. 67
Practice Note (Criminal Appeals) [1953] 1 W.L.R. 872
Practice Note (Divorce: Evidence) [1956] 1 W.L.R. 896; [1956] 2 All E.R. 833
Practice Note (Evidence: Ship's Log) [1953] 1 W.L.R. 262
Practice Note (Family Provision) [1954] 1 W.L.R. 778; [1954] 2 All E.R. 112n.
Practice Note (Fees for Interlocutory Work in Matrimonial Causes) [1958] 1 W.L.R. 492; [1958] 1 All E.R. 869n.
Practice Note (Form of Case Stated) [1953] 1 W.L.R. 1309
Practice Note (Form of Oath) [1957] 1 W.L.R. 355
Practice Note (Gelberg *v.* Vivian) [1952] W.N. 486; [1952] 2 All E.R. 746n.
Practice Note (Grants under Court of Probate Act, 1857, s. 73, and Supreme Court of Judicature Act, 1925, s. 162) [1951] W.N. 141
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Practice Note (Indorsement on Indictment) [1953] 1 W.L.R. 491
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Practice Note (Justices' Clerks) [1953] 1 W.L.R. 1416
Practice Note (Justices' Clerks) [1954] 1 W.L.R. 213; [1954] 1 All E.R. 230
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Practice Note (Notice to Produce) [1953] 1 W.L.R. 490; [1953] 1 All E.R. 704
Practice Note (Payment Out) [1953] 1 W.L.R. 780
Practice Note (Previous Convictions) [1955] 1 W.L.R. 139
Practice Note (Prison Commissioners' Report) [1959] 1 W.L.R. 849
Practice Note (Prisoner Committed in Custody to Quarter Sessions for Sentence) [1951] W.N. 165
Practice Note (Privy Council: Costs) [1958] 1 W.L.R. 39
Practice Note (Probate) [1956] 1 W.L.R. 769; [1956] 2 All E.R. 361
Practice Note (Proofs of Evidence and Cross-Examination) L.R. 2 R.P. 132
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Practice Note (Restrictive Practices—Cross-Examination) (1959) L.R. 1 R.P. 114
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Practice Note (Security for Wife's Costs) [1953] 1 W.L.R. 905
Practice Note (Transport Arbitration Tribunal) [1951] W.N. 12
Practice Note (Trustees' Costs) [1953] 1 W.L.R. 1452; [1953] 2 All E.R. 1408
Pratt, *In re. Ex parte* Inland Revenue Commrs. *v.* Phillips [1951] Ch. 225; 66 T.L.R. (Pt. 2) 847; [1950] 2 All E.R. 994 (C.A.)
Pratt *v.* Richards [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90
Prenn's Settlement, *In re* [1960] 1 W.L.R. 1248; [1960] 3 All E.R. 564; [1961] 1 W.L.R. 569; [1961] 1 All E.R. 833, C.A.
Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 600 & 990; [1954] 3 All E.R. 299; [1954] 3 All E.R. 698 (C.A.)
Prescott (orse. Fellowes) *v.* Fellowes [1958] P. 260; [1958] 2 W.L.R. 679 & 3 W.L.R. 288; [1958] 1 All E.R. 824; [1958] 3 All E.R. 55 (C.A.)
Prestcott *v.* Lancashire United Transport Co. Ltd. [1953] 1 W.L.R. 232; [1953] 1 All E.R. 288, C.A.
Preston *v.* Fennell [1951] 1 K.B. 16; [1950] 1 All E.R. 1099 (D.C.)
Preston *v.* Hunting Air Transport Ltd. [1956] 1 Q.B. 454; [1956] 2 W.L.R. 526; [1956] 1 All E.R. 443
Preston and Area Rent Tribunal *v.* Pickavance [1953] A.C. 562; [1953] 3 W.L.R. 242; [1953] 2 All E.R. 438 (H.L.)
Preston's Estate, *In re* [1951] Ch. 878; [1951] 2 T.L.R. 258; [1951] 2 All E.R. 421
Preston-Jones *v.* Preston-Jones [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124, H.L.
Price *v.* Humphries [1958] 2 Q.B. 353; [1958] 3 W.L.R. 304; [1958] 2 All E.R. 725 (D.C.)
Price *v.* Price [1951] P. 413; [1951] 1 All E.R. 877 & 2 All E.R. 580, C.A.
Price *v.* Romilly [1960] 1 W.L.R. 1360; [1960] 3 All E.R. 429
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Prince *v.* Gregory [1959] 1 W.L.R. 177; [1959] 1 All E.R. 133 (C.A.)
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Prosser (A.) & Son Ltd. *v.* Levy [1955] 1 W.L.R. 1224; [1955] 3 All E.R. 577 (C.A.)
Protheroe *v.* Railway Executive [1951] 1 K.B. 376; 66 T.L.R. (Pt. 2) 980; [1950] 2 All E.R. 1093
Prudential Assce. Co. Ltd. *v.* National Bank of Greece and Athens S.A. [1958] 2 Q.B. 59; [1958] 2 W.L.R. 588; [1958] 2 All E.R. 3; [1960] 1 Q.B. 64; [1959] 2 W.L.R. 800; [1959] 2 All E.R. 362, C.A.
Pteroti Compania Naviera S.A. *v.* National Coal Board [1958] 1 Q.B. 469; [1958] 2 W.L.R. 505; [1958] 1 All E.R. 603
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Pugh *v.* Manchester Dry Docks Co. Ltd. [1954] 1 W.L.R. 389; [1954] 1 All E.R. 600
Pugh *v.* Pugh [1951] P. 482; [1951] 2 T.L.R. 806; [1951] 2 All E.R. 680
Pullin *v.* Prison Commrs. [1957] 1 W.L.R. 1186; [1957] 3 All E.R. 470
Pursell *v.* Railway Executive [1951] 1 All E.R. 536, C.A.
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Pye *v.* Minister for Lands for New South Wales [1954] 1 W.L.R. 1410; [1954] 3 All E.R. 514 (P.C.)
Pye-Smith *v.* Inland Revenue Commrs. [1958] 1 W.L.R. 905; [1958] 2 All E.R. 785
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Pyrene Co. Ltd. *v.* Scindia Navigation Co. Ltd. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005; [1954] 2 All E.R. 158
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Qualcast (Wolverhampton) Ltd. *v.* Haynes [1959] A.C. 743; [1959] 2 W.L.R. 510; [1959] 2 All E.R. 38 (H.L.)
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Quibell, decd., *In re.* White *v.* Reichert [1957] 1 W.L.R. 186; [1956] 3 All E.R. 679
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Quinn *v.* Cameron & Roberton Ltd. [1958] A.C. 9; [1957] 2 W.L.R. 692; [1957] 1 All E.R. 760 (H.L.)
Quinn *v.* Horsfall & Bickham Ltd. [1956] 1 W.L.R. 264 & 652; [1956] 1 All E.R. 777 & 2 All E.R. 467 (C.A.)
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R. *v.* R. (orse. F.) [1952] W.N. 236; [1952] 1 T.L.R. 1201; [1952] 1 All E.R. 1194
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Raine, decd., *In re.* Walton *v.* Attorney-General [1956] Ch. 417; [1956] 2 W.L.R. 449; [1956] 1 All E.R. 355
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Regina *v.* Abbott [1955] 2 Q.B. 497; [1955] 3 W.L.R. 369; [1955] 2 All E.R. 899 (C.C.A.)
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Regina *v.* Alger [1954] 1 Q.B. 279; [1953] 3 W.L.R. 1007; [1953] 2 All E.R. 1381 (C.C.A.)
Regina *v.* Arundel Justices. *Ex parte* Jackson [1959] 2 Q.B. 89; [1959] 2 W.L.R. 798; [1959] 2 All E.R. 407 (D.C.)
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Regina *v.* Ashford, Kent, JJ. *Ex parte* Richley (No. 2) [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778; [1955] 3 All E.R. 604 (C.A.)
Regina *v.* Ayu [1958] 1 W.L.R. 1264; [1958] 3 All E.R. 636 (C.C.A.)
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Regina *v.* Bass [1953] 1 Q.B. 680; [1953] 2 W.L.R. 825; [1953] 1 All E.R. 1064 (C.C.A.)
Regina *v.* Bastian [1958] 1 W.L.R. 413; [1958] 1 All E.R. 568n.
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Regina *v.* Bell (Practice Note) [1957] 1 W.L.R. 463; [1957] 1 All E.R. 689 (C.C.A.)
Regina *v.* Bennett. *Ex parte* Radburn [1960] 1 W.L.R. 102; [1960] 1 All E.R. 335, D.C.
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Regina *v.* Birkenhead Borough Justices. *Ex parte* Smith [1954] 1 W.L.R. 471; [1954] 1 All E.R. 503 (D.C.)
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Regina *v.* Board of Control. *Ex parte* Rutty [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822; [1956] 1 All E.R. 769 (D.C.)
Regina *v.* Boyle [1954] 2 Q.B. 292; [1954] 3 W.L.R. 364; [1954] 2 All E.R. 721 (C.C.A.)
Regina *v.* Brighton Borough Justices. *Ex parte* Jarvis [1954] 1 W.L.R. 203; [1954] 1 All E.R. 197 (D.C.)
Regina *v.* Brighton Rent Trib. *Ex parte* Slaughter [1954] 1 Q.B. 446; [1954] 2 W.L.R. 289; [1954] 1 All E.R. 423 (D.C.)
Regina *v.* Bryant [1955] 1 W.L.R. 715; [1955] 2 All E.R. 406
Regina *v.* Bryant (No. 2) [1956] 1 W.L.R. 133; [1956] 1 All E.R. 340n.
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Regina *v.* Burrows [1952] W.N. 21; [1952] 1 T.L.R. 51; [1952] 1 All E.R. 58n., C.C.A.
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Regina *v.* Busby [1960] 1 Q.B. 411; [1960] 1 All E.R. 326, C.C.A.
Regina *v.* Byrne [1960] 2 Q.B. 396; [1960] 3 W.L.R. 440; [1960] 3 All E.R. 1
Regina *v.* Caborn-Waterfield [1956] 2 Q.B. 379; [1956] 3 W.L.R. 277; [1956] 2 All E.R. 636 (C.C.A.)
Regina *v.* Caddy [1959] 1 W.L.R. 868; [1959] 3 All E.R. 138n.
Regina *v.* Camborne Justices. *Ex parte* Pearce [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415; [1954] 2 All E.R. 850 (D.C.)
Regina *v.* Campbell [1956] 2 Q.B. 432; [1956] 3 W.L.R. 219; [1956] 2 All E.R. 272 (C.C.A.)
Regina *v.* Campbell [1959] 1 W.L.R. 646; [1959] 2 All E.R. 557
Regina *v.* Campbell. *Ex parte* Hoy [1953] 1 Q.B. 585; [1953] 2 W.L.R. 578; [1953] 1 All E.R. 684 (D.C.)
Regina *v.* Campbell. *Ex parte* Nomikos [1956] 1 W.L.R. 622; [1956] 2 All E.R. 280 (D.C.)
Regina *v.* Carr [1957] 1 W.L.R. 165; [1956] 3 All E.R. 979n.
Regina *v.* Carver [1955] 1 W.L.R. 181; [1955] 1 All E.R. 413 (C.C.A.)
Regina *v.* Chandor [1959] 1 Q.B. 545; [1959] 2 W.L.R. 522; [1959] 1 All E.R. 702 (C.C.A.)
Regina *v.* Chapman [1960] 1 W.L.R. 147; [1960] 1 All E.R. 452; [1959] 1 Q.B. 100; [1958] 3 W.L.R. 401; [1958] 3 All E.R. 143, C.C.A.
Regina *v.* Charlson [1955] 1 W.L.R. 317; [1955] 1 All E.R. 859
Regina *v.* Chelsea Juvenile Court. *In re* An Infant [1955] 1 W.L.R. 52; [1955] 1 All E.R. 38 (D.C.)
Regina *v.* Churchill [1952] 2 Q.B. 637; [1952] 1 T.L.R. 1615 (C.C.A.)
Regina *v.* City of London Licensing Justices. *Ex parte* Stewart [1954] 1 W.L.R. 1325; [1954] 3 All E.R. 270 (D.C.)
Regina *v.* Clark [1955] 2 Q.B. 469; [1955] 3 W.L.R. 313; [1955] 3 All E.R. 29 (C.C.A.)
Regina *v.* Clucas [1959] 1 W.L.R. 244; [1959] 1 All E.R. 438 (C.C.A.)
Regina *v.* Cockram. *Ex parte* East Midlands Electricity Board [1952] W.N. 307; [1952] 2 All E.R. 44, D.C.
Regina *v.* Cokar [1960] 2 Q.B. 207; [1960] 2 W.L.R. 836; [1960] 2 All E.R. 175, C.C.A.
Regina *v.* Comptroller-General of Patents and Designs. *Ex parte* Parke, Davis & Co. [1953] 2 Q.B. 48; [1953] 2 W.L.R. 760 & 3 W.L.R. 40; [1954] 2 W.L.R. 531; [1954] 1 All E.R. 671 (H.L.)
Regina *v.* Cook [1954] 1 W.L.R. 125; [1954] 1 All E.R. 60
Regina *v.* Cook [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616; [1959] 2 All E.R. 97 (C.C.A.)
Regina *v.* Cornwall Q. S. *Ex parte* Kerley [1956] 1 W.L.R. 906; [1956] 2 All E.R. 872 (D.C.)
Regina *v.* Cottrell [1956] 1 W.L.R. 70; [1955] 3 All E.R. 817
Regina *v.* Cottrell (No. 2) [1956] 1 W.L.R. 342; [1956] 1 All E.R. 751 (C.C.A.)
Regina *v.* Crabtree [1952] W.N. 487; [1952] 2 T.L.R. 717; [1952] 2 All E.R. 974, C.C.A.
Regina *v.* Craske. *Ex parte* Metropolitan Police Commr. [1957] 2 Q.B. 591; [1957] 3 W.L.R. 308; [1957] 2 All E.R. 772 (D.C.)
Regina *v.* Cunningham [1957] 2 Q.B. 396; [1957] 3 W.L.R. 76; [1957] 2 All E.R. 412 (C.C.A.)
Regina *v.* Cunningham [1959] 1 Q.B. 288; [1959] 2 W.L.R. 63; [1958] 3 All E.R. 711 (C.C.A.)
Regina *v.* Dangerfield [1960] 1 W.L.R. 268; [1959] 3 All E.R. 88, C.C.A.
Regina *v.* Darkhu (Practice Note) [1956] 1 W.L.R. 989; [1956] 3 All E.R. 428n.
Regina *v.* Darlington County Borough Juvenile Court. *Ex parte* West Hartlepool Corpn. [1957] 1 W.L.R. 363; [1957] 1 All E.R. 398 (D.C.)
Regina *v.* Davenport [1954] 1 W.L.R. 569; [1954] 1 All E.R. 602 (C.C.A.)
Regina *v.* Davey [1960] 1 W.L.R. 1287; [1960] 3 All E.R. 533, C.C.A.
Regina *v.* Davies [1953] 1 Q.B. 489; [1953] 2 W.L.R. 304; [1953] 1 All E.R. 341 (C.C.A.)
Regina *v.* Davies [1954] 1 W.L.R. 214
Regina *v.* Davies [1955] 1 Q.B. 71; [1954] 3 W.L.R. 664; [1954] 3 All E.R. 335 (C.C.A.)
Regina *v.* Davis. *Ex parte* Brough [1959] 1 W.L.R. 59n. (D.C.)
Regina *v.* Dawson [1960] 1 W.L.R. 163; [1960] 1 All E.R. 558, C.C.A.
Regina *v.* Dent [1955] 2 Q.B. 590; [1955] 3 W.L.R. 297; [1955] 2 All E.R. 806 (C.C.A.)
Regina *v.* Derby Borough Justices' Confirming Authority. *Ex parte* Blackshaw [1958] 1 Q.B. 36; [1957] 3 W.L.R. 591; [1957] 2 All E.R. 823 (D.C.)
Regina *v.* Devine [1956] 1 W.L.R. 236; [1956] 1 All E.R. 548n. (C.C.A.)
Regina *v.* Dorset Q. S. *Ex parte* O'Brien [1956] 1 Q.B. 452n.; [1956] 2 W.L.R. 682n.; [1956] 1 All E.R. 449n. (D.C.)
Regina *v.* Dorset Quarter Sessions Appeals Committee. *Ex parte* Weymouth Corpn. [1960] 2 Q.B. 230; [1960] 3 W.L.R. 66; [1960] 2 All E.R. 410, D.C.

Regina *v.* Driscoll [1955] 2 Q.B. 247; [1955] 2 W.L.R. 970; [1955] 2 All E.R. 113 (C.C.A.)
Regina *v.* Duffy. *Ex parte* Nash [1960] 2 Q.B. 188; [1960] 3 W.L.R. 320; [1960] 2 All E.R. 891, D.C.
Regina *v.* Dunbar [1958] 1 Q.B. 1; [1957] 3 W.L.R. 330; [1957] 2 All E.R. 737 (C.C.A.)
Regina *v.* Durham Quarter Sessions. *Ex parte* Virgo [1952] 2 Q.B. 1; [1952] 1 T.L.R. 516; [1952] 1 All E.R. 466, D.C.
Regina *v.* Durkin [1953] 2 Q.B. 364; [1953] 3 W.L.R. 479; [1953] 2 All E.R. 685
Regina *v.* East Kerrier Justices. *Ex parte* Mundy [1952] 2 Q.B. 719; [1952] 2 All E.R. 144, D.C.
Regina *v.* Eden [1953] 1 Q.B. 481; [1953] 2 W.L.R. 274; [1953] 1 All E.R. 294 (C.C.A.)
Regina *v.* Edmonton Justices. *Ex parte* Brooke [1960] 1 W.L.R. 697; [1960] 2 All E.R. 475
Regina *v.* Epsom Justices. *Ex parte* Dawnier Motors Ltd. [1961] 1 Q.B. 201; [1960] 3 W.L.R. 872; [1960] 3 All E.R. 635, D.C.
Regina *v.* Evans [1957] 1 Q.B. 35; [1956] 3 W.L.R. 978; [1956] 3 All E.R. 750 (C.C.A.)
Regina *v.* Evans [1959] 1 W.L.R. 26; [1958] 3 All E.R. 673 (C.C.A.)
Regina *v.* Evening Standard Co. Ltd. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861; [1954] 1 All E.R. 1026 (D.C.)
Regina *v.* Fallows (Practice Note) [1954] 1 W.L.R. 508; [1954] 1 All E.R. 623 (C.C.A.)
Regina *v.* Field [1958] 1 W.L.R. 793; [1958] 2 All E.R. 567 (C.C.A.)
Regina *v.* Fitzpatrick [1958] 1 W.L.R. 793; [1958] 2 All E.R. 567 (C.C.A.)
Regina *v.* Flintshire C. C. County Licensing (Stage Plays) Committee. *Ex parte* Barrett [1956] 1 W.L.R. 1415; [1956] 3 All E.R. 535 (D.C.); [1957] 1 Q.B. 350; [1957] 2 W.L.R. 90; [1957] 1 All E.R. 112 (C.A.)
Regina *v.* Folkestone Rents Tribunal. *Ex parte* Webb (Note) [1954] 1 Q.B. 454; [1954] 1 All E.R. 427 (D.C.)
Regina *v.* Freestone [1955] 1 W.L.R. 331; [1955] 1 All E.R. 681 (C.C.A.)
Regina *v.* Fry [1955] 1 W.L.R. 28; [1955] 1 All E.R. 21 (C.C.A.)
Regina *v.* Fulham Rent Tribunal. *Ex parte* Hierowski [1953] 2 Q.B. 147; [1953] 2 W.L.R. 1028; [1953] 2 All E.R. 4 (D.C.)
Regina *v.* Godalming Licensing Ctee. *Ex parte* Knight [1955] 1 W.L.R. 600; [1955] 2 All E.R. 328 (D.C.)
Regina *v.* Golder [1960] 1 W.L.R. 1169; [1960] 3 All E.R. 457
Regina *v.* Governor of H.M. Bedford Prison. *Ex parte* Ames [1953] 1 W.L.R. 607; [1953] 1 All E.R. 1002, D.C.
Regina *v.* Governor of Brixton Prison. *Ex parte* Caborn-Waterfield [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792; [1960] 2 All E.R. 178, D.C.
Regina *v.* Governor of Brixton Prison. *Ex parte* De Demko [1959] 1 Q.B. 268; [1958] 3 W.L.R. 624; [1958] 3 All E.R. 360 (C.A.)
Regina *v.* Governor of Brixton Prison. *Ex parte* Kolczynski [1955] 1 Q.B. 540; [1955] 2 W.L.R. 116; [1955] 1 All E.R. 31 (D.C.)
Regina *v.* Governor of Brixton Prison. *Ex parte* Minervini [1959] 1 Q.B. 155; [1958] 3 W.L.R. 559; [1958] 3 All E.R. 318 (D.C.)
Regina *v.* Governor of Brixton Prison. *Ex parte* Mubarak Ali Ahmed [1952] W.N. 217; [1952] 1 T.L.R. 964; [1952] 1 All E.R. 1060 (D.C.)
Regina *v.* Governor of Brixton Prison. *Ex parte* Shuter [1960] 2 Q.B. 89; [1959] 3 W.L.R. 603; [1959] 2 All E.R. 782, D.C.
Regina *v.* Governor of Parkhurst Prison. *Ex parte* Philpot [1960] 1 W.L.R. 115; [1960] 1 All E.R. 165, D.C.
Regina *v.* Grant [1957] 1 W.L.R. 906; [1957] 2 All E.R. 694
Regina *v.* Green [1959] 2 Q.B. 127; [1958] 2 W.L.R. 569; [1958] 1 All E.R. 471 (C.C.A.)
Regina *v.* Griffiths. *Ex parte* Attorney-General [1957] 2 Q.B. 192; [1957] 2 W.L.R. 1064; [1957] 2 All E.R. 379 (D.C.)
Regina *v.* Grimsby Borough Q.S. *Ex parte* Fuller [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563; [1955] 3 All E.R. 300 (D.C.)
Regina *v.* Hacker (Practice Note) [1957] 1 W.L.R. 455; [1957] 1 All E.R. 608n. (C.C.A.)
Regina *v.* Hadfield [1954] 1 W.L.R. 1128; [1954] 2 All E.R. 765
Regina *v.* Hallam [1957] 1 Q.B. 569; [1957] 2 W.L.R. 521; [1957] 1 All E.R. 665 (C.C.A.)
Regina *v.* Harman [1959] 2 Q.B. 134; [1959] 2 W.L.R. 906; [1959] 2 All E.R. 738 (C.C.A.)
Regina *v.* Harris-Rivett [1956] 1 Q.B. 220; [1955] 3 W.L.R. 823; [1955] 3 All E.R. 567
Regina *v.* Havant Justices. *Ex parte* Jacobs [1957] 1 W.L.R. 365; [1957] 1 All E.R. 475 (D.C.)
Regina *v.* Head [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862; [1957] 3 All E.R. 426 (C.C.A.)
Regina *v.* Hepworth & Fearnley [1955] 2 Q.B. 600; [1955] 3 W.L.R. 331; [1955] 2 All E.R. 918 (C.C.A.)
Regina *v.* Highgate Justices. *Ex parte* Petrou [1954] 1 W.L.R. 485; [1954] 1 All E R. 406 (D.C.)
Regina *v.* Hogan [1960] 2 Q.B. 513; [1960] 3 W.L.R. 426; [1960] 3 All E.R. 149, C.C.A.
Regina *v.* Holmes [1953] 1 W.L.R. 686; [1953] 2 All E.R. 324 (C.C.A.)
Regina *v.* Holsworthy Justices. *Ex parte* Edwards [1952] W.N. 86; [1952] 1 T.L.R. 410; [1952] 1 All E.R. 411 (D.C.)
Regina *v.* Hone [1958] 1 W.L.R. 522; [1958] 2 All E.R. 289 (C.C.A.)
Regina *v.* Houghton [1952] W.N. 304; [1952] 1 T.L.R. 1507
Regina *v.* Hudson [1956] 2 Q.B. 252; [1956] 2 W.L.R. 914; [1956] 1 All E.R. 814 (C.C.A.)
Regina *v.* Hurst. *Ex parte* Smith [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961; [1960] 2 All E.R. 385
Regina *v.* Income Tax Special Commrs. *Ex parte* Linsleys (Established 1894) Ltd. [1957] 2 Q.B. 78; [1956] 3 W.L.R. 854; [1957] 2 W.L.R. 654; [1957] 2 All E.R. 167 (C.A.)

Regina *v.* Industrial Disputes Tribunal. *Ex parte* American Express Co. Inc. (Practice Note) [1954] 1 W.L.R. 1118; [1954] 2 All E.R. 764n. (D.C.)
Regina *v.* Industrial Disputes Tribunal. *Ex parte* Courage & Co. Ltd. [1956] 1 W.L.R. 1062; [1956] 3 All E.R. 411 (D.C.)
Regina *v.* Industrial Disputes Tribunal. *Ex parte* East Anglian Trustee Savings Bank [1954] 1 W.L.R. 1093; [1954] 2 All E.R. 730 (D.C.)
Regina *v.* Industrial Disputes Tribunal. *Ex parte* Kigass Ltd. [1953] 1 W.L.R. 411; [1953] 1 All E.R. 593
Regina *v.* Industrial Disputes Tribunal. *Ex parte* Portland U. D. C. [1955] 1 W.L.R. 949; [1955] 3 All E.R. 18 (C.A.)
Regina *v.* Industrial Disputes Tribunal. *Ex parte* Practical Banking Ltd. [1952] 2 Q.B. 662; [1952] 1 T.L.R. 1448; [1952] 1 All E.R. 1370, D.C.
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Regina *v.* Industrial Disputes Tribunal. *Ex parte* Technaloy Ld. [1953] 1 W.L.R. 1418; [1953] 2 All E.R. 1338; [1954] 2 Q.B. 46; [1954] 2 W.L.R. 932; [1954] 2 All E.R. 75 (C.A.)
Regina *v.* Ingram [1956] 2 Q.B. 424; [1956] 3 W.L.R. 309; [1956] 2 All E.R. 639 (C.C.A.)
Regina *v.* Jackson [1953] 1 W.L.R. 591; [1953] 1 All E.R. 872 (C.C.A.)
Regina *v.* James [1960] 1 W.L.R. 812; [1960] 2 All E.R. 863, C.C.A.
Regina *v.* Jennings [1956] 1 W.L.R. 1497; [1956] 3 All E.R. 429
Regina *v.* Johnson [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472; [1957] 1 All E.R. 577 (C.C.A.)
Regina *v.* Jones [1959] 1 Q.B. 291; [1959] 2 W.L.R. 190; [1959] 1 All E.R. 411 (C.C.A.)
Regina *v.* Joyce [1958] 1 W.L.R. 140; [1957] 3 All E.R. 623
Regina *v.* Judge Dutton Briant. *Ex parte* Abbey National Bldg. Society [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249; [1957] 2 All E.R. 625 (D.C.)
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Regina *v.* Judge Willes. *Ex parte* Abbey National Building Society [1954] 1 W.L.R. 136 (D.C.)
Regina *v.* Jura [1954] 1 Q.B. 503; [1954] 2 W.L.R. 516; [1954] 1 All E.R. 696 (C.C.A.)
Regina *v.* Keeley [1960] 1 W.L.R. 749; [1960] 2 All E.R. 415, C.C.A.
Regina *v.* Kemp [1957] 1 Q.B. 399; [1956] 3 W.L.R. 724; [1956] 3 All E.R. 249
Regina *v.* Kent Justices. *Ex parte* Machin [1952] 2 Q.B. 355; [1952] 1 All E.R. 1123, D.C.
Regina *v.* Knight [1958] 1 W.L.R. 793; [1958] 2 All E.R. 567 (C.C.A.)
Regina *v.* Lacey [1956] 1 W.L.R. 1495; [1956] 3 All E.R. 427
Regina *v.* Lancaster Q.S. *Ex parte* Huyton-with-Roby U. D. C. [1955] 1 Q.B. 52; [1954] 3 W.L.R. 597; [1954] 3 All E.R. 225 (D.C.)
Regina *v.* Lawson [1952] 1 T.L.R. 889; [1952] 1 All E.R. 804
Regina *v.* Lewes Justices. *Ex parte* Plumpton and District Club Trustees [1960] 1 W.L.R. 700; [1960] 2 All E.R. 476
Regina *v.* Linzee [1957] 1 W.L.R. 312; [1957] 3 All E.R. 980
Regina *v.* Liverpool Justices. *Ex parte* Roberts [1960] 1 W.L.R. 585; [1960] 2 All E.R. 384
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Regina *v.* Lobell [1957] 1 Q.B. 547; [1957] 2 W.L.R. 524; [1957] 1 All E.R. 734 (C.C.A.)
Regina *v.* Logan [1957] 2 Q.B. 589; [1957] 3 W.L.R. 335; [1957] 2 All E.R. 688
Regina *v.* L. C. C. Education Committee Staff Sub-Committee. *Ex parte* Schonfeld [1956] 1 W.L.R. 430; [1956] 1 All E.R. 753n. (C.A
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Regina *v.* Long [1960] 1 Q.B. 681; [1959] 3 W.L.R. 953; [1959] 3 All E.R. 559; C.C.A
Regina *v.* Lovelock [1956] 1 W.L.R. 1217; [1956] 3 All E.R. 233n. (C.C.A.)
Regina *v.* Maber (Practice Note) [1954] 1 W.L.R. 501; [1954] 1 All E.R. 666, C.C.A.
Regina *v.* McCartan [1958] 1 W.L.R. 933; [1958] 3 All E.R. 140 (C.C.A.)
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Regina *v.* McCarthy [1955] 1 W.L.R. 856; [1955] 2 All E.R. 927 (C.A.)
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Regina *v.* Martin [1956] 2 Q.B. 272; [1956] 2 W.L.R. 975; [1956] 2 All E.R. 86

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Regina *v.* Miskell [1954] 1 W.L.R. 438; [1954] 1 All E.R. 137
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Regina *v.* Mitchell [1955] 1 W.L.R. 1125; [1955] 3 All E.R. 263 (C.C.A.)
Regina *v.* Moore [1954] 1 W.L.R. 893; [1954] 2 All E.R. 189
Regina *v.* Moore [1957] 1 W.L.R. 841; [1957] 2 All E.R. 703n. (C.C.A.)
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Regina *v.* Newland [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826; [1953] 2 All E.R. 1067 (C.C.A.)
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Regina *v.* Nicholson [1957] 1 W.L.R. 146; [1957] 1 All E.R. 67
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Regina *v.* Noseda [1958] 1 W.L.R. 793; [1958] 2 All E.R. 567 (C.C.A.)
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Regina *v.* Nottingham Quarter Sessions. *Ex parte* Harlow [1952] 2 Q.B. 601; [1952] 1 T.L.R. 1546; [1952] 2 All E.R. 78, D.C.
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Regina *v.* O'Driscoll [1957] 1 W.L.R. 312; [1956] 3 All E.R. 980

Regina *v*. Oldham Justices. *Ex parte* Morrissey [1959] 1 W.L.R. 58; [1958] 3 All E.R. 559n. (D.C.)
Regina *v*. Oliver [1958] 1 Q.B. 250; [1957] 3 W.L.R. 1078; [1957] 3 All E.R. 669 (D.C.)
Regina *v*. Oliver Autos Ltd. [1958] 1 W.L.R. 522; [1958] 2 All E.R. 289 (C.C.A.)
Regina *v*. Onufrejczyk [1955] 1 Q.B. 388; [1955] 2 W.L.R. 273; [1955] 1 All E.R. 247 (C.C.A.)
Regina *v*. O'Rourke [1959] 1 W.L.R. 244; [1959] 1 All E.R. 438 (C.C.A.)
Regina *v*. Owen [1952] 2 Q.B. 362; [1952] 1 T.L.R. 1220; [1952] 1 All E.R. 1040, C.C.A.
Regina *v*. Owen [1957] 1 Q.B. 174; [1956] 3 W.L.R. 252 & 739; [1956] 3 All E.R. 432 (C.C.A.)
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Regina *v*. Paddington North Rent Tribunal. *Ex parte* Perry [1956] 1 Q.B. 229; [1955] 3 W.L.R. 744; [1955] 3 All E.R. 391 (D.C.)
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Regina *v*. Page [1954] 1 Q.B. 170; [1953] 3 W.L.R. 895; [1953] 2 All E.R. 1355
Regina *v*. Patents Appeal Tribunal. *Ex parte* Baldwin & Francis Ltd. [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010; [1958] 2 All E.R. 368 (C.A.)
Regina *v*. Patents Appeal Tribunal. *Ex parte* Champion Paper & Fibre Co. [1957] 1 W.L.R. 248; [1957] 1 All E.R. 227, D.C.
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Regina *v*. Phillips [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868; [1953] 1 All E.R. 968 (C.C.A.)
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Regina *v*. Potter [1958] 1 W.L.R. 638; [1958] 2 All E.R. 51
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Regina *v*. Pritam Singh [1958] 1 W.L.R. 143; [1958] 1 All E.R. 199
Regina *v*. R. W. Proffitt Ltd. [1954] 2 Q.B. 35; [1954] 2 W.L.R. 1001; [1954] 2 All E.R. 798
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Regina *v*. Reiter [1954] 2 Q.B. 16; [1954] 2 W.L.R. 638; [1954] 1 All E.R. 741, C.C.A.
Regina *v*. Richard [1958] 1 W.L.R. 522; [1958] 2 All E.R. 289 (C.C.A.)
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Regina *v*. Roberts [1954] 2 Q.B. 329; [1953] 3 W.L.R. 178; [1953] 2 All E.R. 340
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Regina *v*. Rossi [1955] 1 W.L.R. 109; [1955] 1 All E.R. 368n., C.C.A.
Regina *v*. Rowe [1955] 1 Q.B. 573; [1955] 2 W.L.R. 1056; [1955] 2 All E.R. 234 (C.C.A.)
Regina *v*. Russell [1952] W.N. 244
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Regina *v*. Salisbury and Amesbury Justices. *Ex parte* Greatbatch [1954] 2 Q.B. 142; [1954] 3 W.L.R. 29; [1954] 2 All E.R. 326 (D.C.)
Regina *v*. Sanderson [1953] 1 W.L.R. 392; [1953] 1 All E.R. 485 (C.C.A.)
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Regina *v*. Sharp [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472; [1957] 1 All E.R. 577 (C.C.A.)
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Regina *v*. Simons and Simons [1953] 1 W.L.R. 1014; [1953] 2 All E.R. 599 (C.C.A.)
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Regina *v*. Solomon [1958] 1 Q.B. 203; [1957] 3 W.L.R. 915; [1957] 3 All E.R. 497 (C.C.A.)
Regina *v*. Sparkes [1956] 1 W.L.R. 505; [1956] 2 All E.R. 245 (C.C.A.)
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Regina *v*. Stally [1960] 1 W.L.R. 79; [1959] 3 All E.R. 814, C.A.
Regina *v*. Statutory Visitors to St. Lawrence's Hospital, Caterham. *Ex parte* Pritchard [1953] 1 W.L.R. 1158; [1953] 2 All E.R. 766 (D.C.)
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Regina *v*. Straffen [1952] 2 Q.B. 911; [1952] 2 T.L.R. 589; [1952] 2 All E.R. 657, C.C.A.
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Regina *v.* Tronoh Mines and The Times Publishing Co. [1952] 1 T.L.R. 461; [1952] 1 All E.R. 697
Regina *v.* Tucker [1952] W.N. 537; [1952] 2 All E.R. 1074
Regina *v.* Twickenham Rent Tribunal. *Ex parte* Dunn [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517; [1953] 2 All E.R. 734 (D.C.)
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Regina *v.* Walden [1959] 1 W.L.R. 1008; [1959] 3 All E.R. 203, C.C.A.
Regina *v.* Ward [1956] 1 Q.B. 351; [1956] 2 W.L.R. 423; [1956] 1 All E.R. 565 (C.C.A.)
Regina *v.* Warren [1954] 1 W.L.R. 531; [1954] 1 All E.R. 597 (C.C.A.)
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Regina *v.* Willis [1960] 1 W.L.R. 55; [1960] 1 All E.R. 331, C.C.A.
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Regina *v.* Wilson [1955] 1 W.L.R. 493; [1955] 1 All E.R. 744 (C.C.A.)
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Rex *v.* Bradbury [1956] 2 Q.B. 262n
Rex *v.* Christ [1951] W.N. 337; [1951] 2 T.L.R. 85; [1951] 2 All E.R. 254n. (C.C.A.)

Rex *v.* Cohen [1951] 1 K.B. 505; [1951] 1 T.L.R. 251; [1951] 1 All E.R. 203 (C.C.A.)
Rex *v.* Dunsheath. *Ex parte* Meredith [1951] 1 K.B. 127; 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741 (D.C.)
Rex *v.* Eastbourne Corporation. *Ex parte* Adler [1951] W.N. 458 (D.C.)
Rex *v.* East Norfolk Local Valuation Court. *Ex parte* Martin [1951] W.N. 181; [1951] 1 All E.R. 743 (D.C.)
Rex *v.* Edlin [1956] 2 Q.B. 262n
Rex *v.* Folkestone and Area Rent Tribunal. *Ex parte* Sharkey [1952] 1 K.B. 54; [1951] 2 T.L.R. 997; [1951] 2 All E.R. 921 (D.C.)
Rex *v.* Fulham, Hammersmith and Kensington Rent Tribunal. *Ex parte* Gormly [1952] 1 K.B. 179; [1951] 2 T.L.R. 1037; [1951] 2 All E.R. 1030 (D.C.)
Rex *v.* Fulham, etc., Rent Tribunal. *Ex parte* Marks [1951] 2 K.B. 694; [1951] 2 T.L.R. 359; [1951] 2 All E.R. 465 (D.C.)
Rex *v.* Fulham, etc., Rent Tribunal. *Ex parte* Zerek [1951] 2 K.B. 1; [1951] 1 T.L.R. 423; [1951] 1 All E.R. 482 (D.C.)
Rex *v.* Fussell [1951] 2 All E.R. 761 (C.C.A.)
Rex *v.* Gatenby [1951] 1 T.L.R. 269; [1951] 1 All E.R. 173n. (C.C.A.)
Rex *v.* Governor of Brixton Prison. *Ex parte* McCheyne [1951] 1 T.L.R. 1155 (D.C.)
Rex *v.* Governor of H.M. Prison at Brixton and Secretary of State for Home Affairs. *Ex parte* Pawel Sliwa [1952] 1 K.B. 169; [1952] 1 T.L.R. 61; [1952] 1 All E.R. 187 (C.A.)
Rex *v.* Grant [1951] 1 K.B. 500; [1951] 1 All E.R. 28 (C.C.A.)
Rex *v.* Gunewardene [1951] 2 K.B. 600; [1951] 2 T.L.R. 315; [1951] 2 All E.R. 290 (C.C.A.)
Rex *v.* Hall [1952] 1 K.B. 302; [1951] 2 T.L.R. 1264; [1952] 1 All E.R. 66 (C.C.A.)
Rex *v.* Hampstead, etc., Rent Tribunal. *Ex parte* Goodman [1951] 1 K.B. 541; [1951] 1 T.L.R. 37; [1951] 1 All E.R. 170 (D.C.)
Rex *v.* Harris [1951] 1 K.B. 107; 66 T.L.R. (Pt. 2) 739; [1950] 2 All E.R. 816 (C.C.A.)
Rex *v.* Harris [1952] 1 K.B. 309; [1952] 1 T.L.R. 350. *Sub nom.* Harris *v.* D. P. P. [1952] A.C. 694; [1952] 1 T.L.R. 1075; [1952] 1 All E.R. 1044 (H.L.)
Rex *v.* Harrison-Owen [1951] W.N. 483; [1951] 2 All E.R. 726 (C.C.A.)
Rex *v.* Heritage [1951] 1 All E.R. 1013 (C.C.A.)
Rex *v.* Heyes [1951] 1 K.B. 29; [1950] 2 All E.R. 587 (C.C.A.)
Rex *v.* Higgins [1952] 1 K.B. 7; [1951] 2 T.L.R. 855; [1951] 2 All E.R. 758, C.C.A.
Rex *v.* Homer (Practice Note) [1951] W.N. 425 (C.C.A.)
Rex *v.* Inland Revenue Commrs. *Ex parte* Evill [1951] W.N. 502; [1951] 2 T.L.R. 857 (D.C.)
Rex *v.* Judge Pugh. *Ex parte* Graham [1951] 2 K.B. 623; [1951] 2 T.L.R. 253; [1951] 2 All E.R. 307 (D.C.)
Rex *v.* London Q. S. *Ex parte* Bowes [1951] 1 K.B. 383; 66 T.L.R. (Pt. 2) 804; [1950] 2 All E.R. 1043 (D.C.)
Rex *v.* London Quarter Sessions. *Ex parte* Westminster Corporation [1951] 2 K.B. 508; [1951] 1 T.L.R. 932; [1951] 1 All E.R. 1032 (D.C.)
Rex *v.* London Sessions. *Ex parte* Beaumont [1951] 1 K.B. 557; [1951] 1 T.L.R. 258; [1951] 1 All E.R. 232 (D.C.)
Rex *v.* London Sessions. *Ex parte* Rogers [1951] 2 K.B. 74; [1951] 1 T.L.R. 611; [1951] 1 All E.R. 343 (D.C.)
Rex *v.* London, etc., Rent Tribunal. *Ex parte* Honig [1951] 1 K.B. 641; [1951] 1 T.L.R. 41; [1951] 1 All E.R. 195
Rex *v.* Loughlin (Practice Note) [1951] W.N. 325 (C.C.A.)
Rex *v.* Lovegrove [1951] W.N. 202; [1951] 1 T.L.R. 673; [1951] 1 All E.R. 804 (C.C.A.)
Rex *v.* Lumsden [1951] 2 K.B. 513; [1951] 1 T.L.R. 987; [1951] 1 All E.R. 1101 (C.A.)
Rex *v.* Lurie [1951] W.N. 493; [1951] 2 T.L.R. 686; [1951] 2 All E.R. 704 (C.C.A.)
Rex *v.* McClelland [1951] 1 All E.R. 557 (C.C.A.)
Rex *v.* Marquis [1951] W.N. 244 (C.C.A.)
Rex *v.* Mayo (Procedure Direction) [1951] W.N. 548 (C.C.A.)
Rex *v.* Minister of Town and Country Planning. *Ex parte* Montague Burton Ltd. [1951] 1 K.B. 1; 66 T.L.R. (Pt. 2) 85; [1950] 2 All E.R. 282 (C.A.)
Rex *v.* Morris [1951] 1 K.B. 394; 66 T.L.R. (Pt. 2) 1050; [1950] 2 All E.R. 965 (C.A.)
Rex *v.* Murray [1951] 1 K.B. 391; 66 T.L.R. (Pt. 2) 1007; [1950] 2 All E.R. 925 (C.C.A.)
Rex *v.* National Arbitration Tribunal. *Ex parte* South Shields Corporation [1952] 1 K.B. 46; [1951] 2 T.L.R. 791; [1951] 2 All E.R. 828 (D.C.)
Rex *v.* Northumberland Compensation Appeal Tribunal. *Ex parte* Shaw [1951] 1 K.B. 711; [1951] 1 T.L.R. 270; [1951] 1 All E.R. 268; [1952] 1 K.B. 338; [1952] 1 T.L.R. 61; [1952] 1 All E.R. 122 (C.A.)
Rex *v.* Paddington North Rent Tribunal. *Ex parte* Holt [1951] W.N. 76 (D.C.)
Rex *v.* Parry [1951] 1 K.B. 590; [1951] 1 T.L.R. 187
Rex *v.* Patel [1951] W.N. 258; [1951] 1 T.L.R. 1018; [1951] 2 All E.R. 29 (C.C.A.)
Rex *v.* Pearce [1951] W.N. 129; [1951] 1 T.L.R. 412; [1951] 1 All E.R. 493 (C.C.A.)
Rex *v.* Poole Justices. *Ex parte* Miller [1951] 2 T.L.R. 261 (D.C.)
Rex *v.* Pople [1951] 1 K.B. 53; 66 T.L.R. (Pt. 2) 319; [1950] 2 All E.R. 679 (C.C.A.)
Rex *v.* Recorder of Grimsby. *Ex parte* Purser [1951] 2 All E.R. 889 (D.C.)
Rex *v.* Sandbach Justice. *Ex parte* Smith [1951] 1 K.B. 62; 66 T.L.R. (Pt. 2) 291; [1950] 2 All E.R. 781 (D.C.)
Rex *v.* Secretary for War. *Ex parte* Halperin [1951] W.N. 397; [1951] 2 T.L.R. 302 (D.C.)
Rex *v.* Sidmouth Rent Tribunal. *Ex parte* Seller [1951] 1 K.B. 778; [1951] 1 T.L.R. 408; [1951] 1 All E.R. 107 (D.C.)
Rex *v.* Stobbart [1951] W.N. 508; [1951] 2 T.L.R. 823; [1951] 2 All E.R. 753 (C.C.A.)

Rex *v.* Surrey Q. S. *Ex parte* Lilley [1951] 2 K.B. 749; [1951] 2 T.L.R. 546; [1951] 2 All E.R. 659 (D.C.)
Rex *v.* Torquay Licensing Justices. *Ex parte* Brockman [1951] 2 K.B. 784; [1951] 2 T.L.R. 652; [1951] 2 All E.R. 656 (D.C.)
Rex *v.* Vallett [1951] W.N. 4; [1951] 1 All E.R. 231 (C.C.A.)
Rex *v.* Weisz. *Ex parte* Hector MacDonald, Ltd. [1951] 2 K.B. 611; [1951] 2 T.L.R. 337; [1951] 2 All E.R. 408 (D.C.)
Rex *v.* Wolverhampton Deputy Recorder. *Ex parte* Director of Public Prosecutions [1951] W.N. 154; [1951] 1 T.L.R. 478; [1951] 1 All E.R. 627n. (D.C.)
Rex *v.* Wood [1951] 2 All E.R. 112
Rex *v.* Yeo [1951] 1 All E.R. 864
Reynolds, decd., *In re.* Pearkes *v.* Reynolds [1955] 1 W.L.R. 12; [1955] 1 All E.R. 18 (C.A.)
Reynolds *v.* G. H. Austin & Sons Ltd. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614; [1951] 1 All E.R. 606, D.C.
Reynolds *v.* John [1956] 1 Q.B. 650; [1956] 2 W.L.R. 398; [1956] 1 All E.R. 306 (D.C.)
Rhodes *v.* Heritage [1951] W.N. 221; [1951] 1 T.L.R. 802; [1951] 1 All E.R. 904, D.C.
Rhyl U. D. C. *v.* Rhyl Amusements Ltd. [1959] 1 W.L.R. 465; [1959] 1 All E.R. 257
Rialto Cinemas Ltd. *v.* Wolfe [1955] 1 W.L.R. 693; [1955] 2 All E.R. 530
Rice *v.* Commissioner of Stamp Duties [1954] A.C. 216; [1954] 2 W.L.R. 460, P.C.
Rich *v.* London County Council [1953] 1 W.L.R. 895; [1953] 2 All E.R. 376 (C.A.)
Richard Thomas & Baldwins Ltd. *v.* Cummings [1955] A.C. 321; [1955] 2 W.L.R. 293; [1955] 1 All E.R. 285 (H.L.)
Richards *v.* Highway Ironfounders (West Bromwich) Ltd. [1955] 1 W.L.R. 1049; [1955] 3 All E.R. 205 (C.A.); [1957] 1 W.L.R. 781; [1957] 2 All E.R. 162
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Richards *v.* Richards [1958] 1 W.L.R. 1116; [1958] 3 All E.R. 513 (C.A.)
Richardson *v.* Jackson [1954] 1 W.L.R. 447; [1954] 1 All E.R. 437
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Richmond *v.* Richmond [1952] W.N. 188; [1952] 1 All E.R. 838, D.C.
Riden *v.* A. C. Billings & Sons Ltd. [1957] 1 Q.B. 46; [1956] 3 W.L.R. 704; [1956] 3 All E.R. 357 (C.A.)
Rider's Will Trusts, *In re.* Nelson *v.* Rider [1958] 1 W.L.R. 974; [1958] 3 All E.R. 135
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Ridley *v.* Ridley [1953] P. 150; [1953] 2 W.L.R. 681; [1953] 1 All E.R. 798
Rigby, *Ex parte* [1958] 1 W.L.R. 843; [1958] 3 All E.R. 30 (D.C.)
Rigby *v.* Woodward [1957] 1 W.L.R. 250; [1957] 1 All E.R. 391 (D.C.)
Rigby (John) (Haulage) Ltd. *v.* Reliance Marine Insce. Co. Ltd. [1956] 2 Q.B. 468; [1956] 3 W.L.R. 407; [1956] 3 All E.R. 1 (C.A.)
Rigden *v.* Whitstable U. D. C. [1959] Ch. 422; [1958] 3 W.L.R. 205; [1958] 2 All E.R. 730
Riglar, decd., *In re.* Riglar *v.* Sibley [1956] 1 W.L.R. 1414; [1956] 3 All E.R. 703
Rimmer *v.* Rimmer [1953] 1 Q.B. 63; [1952] 2 T.L.R. 767; [1952] 2 All E.R. 863, C.A.
Riordan *v.* War Office [1959] 1 W.L.R. 1046; [1959] 3 All E.R. 552; [1961] 1 W.L.R. 210, C.A.
Risk (orse. Yerburgh) *v.* Risk [1951] P. 50; 66 T.L.R. (Pt. 2) 918; [1950] 2 All E.R. 973
Ritchie *v.* Irving (T. G.) & Co. [1952] W.N. 550; [1952] 2 T.L.R. 1012; [1953] 1 All E.R. 37 (C.A.)
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Rivlin *v.* Bilainkin [1953] 1 Q.B. 485; [1953] 2 W.L.R. 281; [1953] 1 All E.R. 534
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Robb, decd., *In re.* Marshall *v.* Marshall [1953] Ch. 459; [1953] 2 W.L.R. 819; [1953] 1 All E.R. 920
Roberts *v.* Dorman Long & Co. Ltd. [1953] 1 W.L.R. 942; [1953] 2 All E.R. 428 (C.A.)
Roberts *v.* Naylor Brothers Ltd. [1959] 1 W.L.R. 718; [1959] 2 All E.R. 409
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Roberts *v.* Roberts and Peters [1959] 1 W.L.R. 663; [1959] 2 All E.R. 209
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Robertson *v.* Cilia [1956] 1 W.L.R. 1502; [1956] 3 All E.R. 651
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Robertson *v.* Rosenberg [1951] W.N. 97; [1951] 1 T.L.R. 417 (D.C.)
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Roe *v.* Hemmings [1951] 1 K.B. 676; [1951] 1 T.L.R. 365; [1951] 1 All E.R. 389, D.C.
Roe *v.* Minister of Health [1954] 2 Q.B. 66; [1954] 1 W.L.R. 128 & 2 W.L.R. 915; [1954] 2 All E.R. 131 (C.A.)
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Rorke (H. J.) Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1132
Rose, *In re* [1951] W.N. 563; [1951] 2 T.L.R. 1066; [1951] 2 All E.R. 959; [1952] Ch. 499; [1952] 1 T.L.R. 1577; [1952] 1 All E.R. 1217, C.A.
Rose *v.* Matt [1951] 1 K.B. 810; [1951] 1 T.L.R. 474; [1951] 1 All E.R. 361, D.C.
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Ross *v.* Blakes Motors Ltd. [1951] W.N. 478; [1951] 2 All E.R. 689, C.A.
Ross *v.* Evans [1959] 2 Q.B. 79; [1959] 2 W.L.R. 699; [1959] 2 All E.R. 222 (D.C.)
Ross *v.* The Queen [1957] A.C. 208; [1957] 2 W.L.R. 307; [1957] 1 All E.R. 451 (P.C.)
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Smith *v.* Austin Lifts Ltd. [1959] 1 W.L.R. 100; [1959] 1 All E.R. 81 (H.L.)
Smith *v.* B.E.A.C. [1951] 2 K.B. 893; [1951] 2 T.L.R. 608; [1951] 2 All E.R. 737
Smith *v.* Cardiff Corporation [1954] 1 Q.B. 210; [1953] 3 W.L.R. 994; [1953] 2 All E.R. 1373 (C.A.)
Smith *v.* Cardiff Corpn. (No. 2) [1955] Ch. 159; [1955] 2 W.L.R. 126; [1955] 1 All E.R. 113
Smith *v.* Chesterfield and District Co-operative Society Ltd. [1953] 1 W.L.R. 370; [1953] 1 All E.R. 447 (C.A.)
Smith *v.* East Elloe R. D. C. [1955] 1 W.L.R. 380; [1956] A.C. 736; [1956] 2 W.L.R. 888; [1956] 1 All E.R. 855 (H.L.)
Smith *v.* Hamilton [1951] Ch. 174; 66 T.L.R. (Pt. 2) 937; [1950] 2 All E.R. 928
Smith *v.* Hughes [1960] 1 W.L.R. 830; [1960] 2 All E.R. 859
Smith *v.* Jones [1952] W.N. 518; [1952] 2 T.L.R. 846; [1952] 2 All E.R. 907
Smith *v.* Jones [1954] 1 W.L.R. 1089; [1954] 2 All E.R. 823
Smith *v.* London Transport Executive [1951] A.C. 555; [1951] 1 T.L.R. 683; [1951] 1 All E.R. 667, H.L.
Smith *v.* Port Line Ltd. [1955] 1 W.L.R. 514; [1955] 2 All E.R. 297 (C.A.)
Smith *v.* Smith (W. H.) & Sons [1952] W.N. 117; [1952] 1 All E.R. 528, C.A.
Smith *v.* Smith [1957] 1 W.L.R. 802; [1957] 2 All E.R. 397 (D.C.)
Smith *v.* Veen [1955] 2 Q.B. 277; [1955] 2 W.L.R. 1166; [1955] 2 All E.R. 323 (D.C.)
Smith *v.* Wyles [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528; [1958] 3 All E.R. 279 (D.C.)
Smith (A.) & Son (Bognor Regis) Ltd. *v.* Walker [1952] 2 Q.B. 319; [1952] 1 T.L.R. 1089; [1952] 2 All E.R. 1008, C.A.
Smith's Lease, *In re* [1951] W.N. 51; [1951] 1 T.L.R. 254; [1951] 1 All E.R. 346
Smith's (John) Tadcaster Brewery Co., *In re.* The Company *v.* Gresham Life Assurance Society [1952] W.N. 501; [1952] 2 T.L.R. 853; [1952] 2 All E.R. 751; [1953] Ch. 308; [1953] 2 W.L.R. 516; [1953] 1 All E.R. 518 (C.A.)
Smyth *v.* Smyth [1956] P. 427; [1956] 3 W.L.R. 210; [1956] 2 All E.R. 476 (D.C.)
Smyth (Ross T.) & Co. Ltd. (Liverpool) *v.* W. N. Lindsay Ltd. (Leith) [1953] 1 W.L.R. 1280; [1953] 2 All E.R. 1064
Sneddon *v.* Lord Advocate [1954] A.C. 257; [1954] 2 W.L.R. 211; [1954] 1 All E.R. 255, H.L.
Snelling *v.* Snelling [1952] P. 259; [1952] 1 T.L.R. 1609; [1952] 2 All E.R. 196
Sociedad Financiera de Bienes Raices S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145; [1960] 2 All E.R. 578, H.L.
Société d'Advances Commerciales (London) *v.* Besse (A.) & Co. (London) [1952] 1 T.L.R. 644
Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701; [1960] 2 All E.R. 529
Société Franco-Tunisienne D'Armement-Tunis *v.* Govt. of Ceylon [1959] 1 W.L.R. 787; [1959] 3 All E.R. 25 (C.A.)
Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404; [1960] 1 All E.R. 317, H.L.; [1959] 1 Q.B. 462; [1959] 2 W.L.R. 377; [1959] 1 All E.R. 509, C.A.
Sofaer *v.* Sofaer [1960] 1 W.L.R. 1173; [1960] 3 All E.R. 468
Sole *v.* Henning (Valuation Officer) [1959] 1 W.L.R. 769; [1959] 3 All E.R. 398 (C.A.)
Solicitor, *In re* [1951] W.N. 153; [1951] 1 T.L.R. 674; [1951] 1 All E.R. 592
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Solicitor, *In re* A [1960] 2 Q.B. 212; [1960] 3 W.L.R. 138; [1960] 2 All E.R. 621
Solicitor, *In re* A. *In re* a Taxation of Costs [1953] Ch. 480; [1953] 2 W.L.R. 1098; [1953] 2 All E.R. 23 (C.A.)
Solicitor, *In re* A. *In re* a Taxation of Costs [1955] 2 Q.B. 252; [1955] 2 W.L.R. 281 & 1058; [1955] 1 All E.R. 257 & 2 All E.R. 283 (C.A.)
Solicitor's Clerk, *In re* A [1956] 1 W.L.R. 547; [1956] 2 All E.R. 242 (D.C.)
Solicitor's Clerk, *In re* A [1957] 1 W.L.R. 1219; [1957] 3 All E.R. 617 (D.C.)
Solomon *v.* Orwell [1954] 1 W.L.R. 629; [1954] 1 All E.R. 874 (C.A.)
Solomons *v.* R. Gertzenstein Ld. [1954] 1 Q.B. 565 & 2 Q.B. 243; [1954] 2 W.L.R. 823 & 3 W.L.R. 317; [1954] 1 All E.R. 1008 & 2 All E.R. 625, C.A.

Somech, decd., *In re*. Westminster Bank Ltd. *v.* Phillips [1957] Ch. 165; [1956] 3 W.L.R. 763; [1956] 3 All E.R. 523
Songest, decd., *In re*. Mayger *v.* The Forces' Help Society [1956] 1 W.L.R. 897 & 1311; [1956] 2 All E.R. 765, C.A.
South African Dispatch Line *v.* Owners of the Panamanian Steamship Niki [1959] 1 Q.B. 238; [1958] 3 W.L.R. 718; [1958] 3 All E.R. 590; [1960] 1 Q.B. 518; [1960] 2 W.L.R. 294; [1960] 1 All E.R. 285, C.A.
South Creake Parish, *In re* [1959] 1 W.L.R. 427; [1959] 1 All E.R. 197
South Devon Water Board *v.* Gibson [1955] 2 Q.B. 448; [1955] 3 W.L.R. 255; [1955] 2 All E.R. 813 (C.A.)
South of Scotland Electricity Board *v.* British Oxygen Co. Ltd. [1956] 1 W.L.R. 1069; [1956] 3 All E.R. 199 (H.L.)
South of Scotland Electricity Board *v.* British Oxygen Co. Ltd. [1959] 1 W.L.R. 587; [1959] 2 All E.R. 225 (H.L.)
Southern Railway of Peru Ltd. *v.* Owen (Insptr. of Taxes) [1957] A.C. 334; [1956] 3 W.L.R. 389; [1956] 2 All E.R. 728 (H.L.)
Southern Sword, The [1951] 2 T.L.R. 1083
Southey-Roberts Estates Ltd. *v.* Roe [1956] 1 W.L.R. 946; [1956] 2 All E.R. 829
Southgate B. C. *v.* Park Estates Ltd. [1953] 1 W.L.R. 1274; [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337; [1954] 1 All E.R. 620 (C.A.)
Southport Corporation *v.* Esso Petroleum Co. Ltd. [1954] 2 Q.B. 182; [1953] 3 W.L.R. 773; [1952] 2 All E.R. 1204; [1954] 3 W.L.R. 200; [1954] 2 All E.R. 561 (C.A.)
Sowa *v.* Sowa [1960] 3 W.L.R. 733; [1960] 3 All E.R. 196; [1961] 2 W.L.R. 313, H.L.
Sowerby Bridge U. D. C. *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1; [1956] 2 All E.R. 264 (C.A.)
Soya, The [1955] 1 W.L.R. 1246; [1955] 3 All E.R. 621; [1956] 1 W.L.R. 714; [1956] 2 All E.R. 393, C.A.
Spalenkova *v.* Spalenkova (1954) P. 141; [1953] 3 W.L.R. 681; [1953] 2 All E.R. 880
Speldewinde *v.* Peiris [1958] A.C. 1; [1957] 3 W.L.R. 673 (P.C.)
Speidel *v.* Plato Films Ltd. [1960] 3 W.L.R. 391; [1960] 2 All E.R. 521 [1961] 2 W.L.R. 470, H.L.
Spensley's Will Trusts, *In re* [1952] Ch. 886; [1952] 1 T.L.R. 1435; [1952] 2 All E.R. 49; [1954] Ch. 233; [1954] 2 W.L.R. 145; [1954] 1 All E.R. 178n., C.A.
Spicer *v.* Spicer (Ryan Intervening) [1954] 1 W.L.R. 1051; [1954] 3 All E.R. 208
Spiers *v.* Warrington Corporation [1954] 1 Q.B. 61; [1953] 3 W.L.R. 695; [1953] 2 All E.R. 1052 (D.C.)
Spires *v.* Smith [1956] 1 W.L.R. 601; [1956] 2 All E.R. 277 (D.C.)
Spring *v.* National Amalgamated Stevedores and Dockers Society [1956] 1 W.L.R. 585; [1956] 2 All E.R. 221
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Spurling (J.) Ltd. *v.* Bradshaw [1956] 1 W.L.R. 461; [1956] 2 All E.R. 121 (C.A.)
Spyropoulos *v.* McClelland (Practice Note) [1959] 1 W.L.R. 862; [1959] 3 All E.R. 319n. (C.A.)
Squires *v.* Squires [1959] 1 W.L.R. 483; [1959] 2 All E.R. 85
Sri Lanka Omnibus Co. Ltd. *v.* L. A. Perera [1952] A.C. 76; [1952] 2 T.L.R. 1184 (P.C.)
Stafford Allen & Sons Ltd. *v.* Pacific Steam Navigation Co. [1956] 1 W.L.R. 629; [1956] 2 All E.R. 716 (C.A.)
Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A.
Stainer *v.* Tragett [1955] 1 W.L.R. 1275; [1955] 3 All E.R. 742 (C.A.)
Stainer's Executors *v.* Purchase (Inspector of Taxes) [1952] A.C. 280; [1951] 2 T.L.R. 1112; [1951] 2 All E.R. 1071, H.L.
Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474 (P.C.)
Stamp Duties (Commr. of) *v.* New Zealand Insurance Co. Ltd. [1956] A.C. 284; [1956] 2 W.L.R. 571; [1956] 1 All E.R. 598 (P.C.)
Stamp Duties Commr. of New South Wales *v.* Pearse [1954] A.C. 91; [1954] 2 W.L.R. 5; [1954] 1 All E.R. 19 (P.C.)
Stamp Duties Commr. of New South Wales *v.* Permanent Trustee Co. of New South Wales [1956] A.C. 512; [1956] 3 W.L.R. 152; [1956] 2 All E.R. 512
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Stanga *v.* Stanga [1954] P. 10; [1953] 3 W.L.R. 609; [1954] 2 All E.R. 16 (D.C.)
Stanley *v.* Compton [1951] 1 All E.R. 859, C.A.
Stanton *v.* Ewart F. Youldon Ltd. [1960] 1 W.L.R. 543; [1960] 1 All E.R. 429
Stanton Ironworks Co. Ltd. *v.* Skipper [1956] 1 Q.B. 255; [1955] 3 W.L.R. 752; [1955] 3 All E.R. 544 (D.C.)
Stapley *v.* Gypsum Mines Ltd. [1952] 2 Q.B. 575; [1952] 1 All E.R. 1092; [1953] A.C. 663; [1953] 3 W.L.R. 279; [1953] 2 All E.R. 478 (H.L.)
Starkey *v.* Railway Executive [1951] W.N. 546; [1951] 2 All E.R. 902, C.A.
Starkey *v.* Starkey [1954] P. 449; [1954] 2 W.L.R. 907; [1954] 1 All E.R. 1036 (D.C.)
Starkie *v.* Starkie [1953] 1 W.L.R. 1396; [1953] 2 All E.R. 1255n. (D.C.)
Starkie *v.* Starkie (No. 2) [1954] 1 W.L.R. 98; [1953] 2 All E.R. 1519 (D.C.)
Starkowski *v.* Attorney-General [1952] P. 135; [1952] 1 T.L.R. 851; [1952] 1 All E.R. 495; [1952] P. 302; [1952] 2 T.L.R. 606; [1952] 2 All E.R. 616; [1954] A.C. 155; [1953] 3 W.L.R. 942; [1953] 2 All E.R. 1272 (H.L.)
Staton *v.* National Coal Board [1957] 1 W.L.R. 893; [1957] 2 All E.R. 667

Staveley Iron & Chemical Co. Ltd. *v.* Jones [1956] A.C. 627; [1956] 2 W.L.R. 479; [1956] 1 All E.R. 403 (H.L.)
Stebbings *v.* Holst & Co. Ltd. [1953] 1 W.L.R. 603; [1953] 1 All E.R. 925
Steed's Will Trusts, *In re* [1960] Ch. 407; [1960] 2 W.L.R. 474; [1960] 1 All E.R. 487, C.A.; [1959] Ch. 354; [1959] 2 W.L.R. 470; [1959] 1 All E.R. 609
Steel (M. & H.) *v.* Cockroft [1951] 2 K.B. 429; [1951] 2 T.L.R. 12; [1951] 2 All E.R. 175, C.A.
Stephens *v.* Cuckfield R. D. C. [1959] 1 Q.B. 516; [1959] 2 W.L.R. 480; [1959] 1 All E.R. 635; [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248; [1960] 2 All E.R. 716, C.A.
Stephenson *v.* Johnson [1954] 1 W.L.R. 375; [1954] 1 All E.R. 369 (D.C.)
Stephenson Bros. Ltd. *v.* Commissioners of Customs and Excise [1953] 1 W.L.R. 335; [1953] 1 All E.R. 469
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Stern *v.* Friedman [1953] 1 W.L.R. 969; [1953] 2 All E.R. 565
Sterne *v.* Sterne [1957] P. 168; [1957] 2 W.L.R. 544; [1957] 1 All E.R. 792 (C.A.)
Stevens, decd., *In re.* Pateman *v.* James [1952] Ch. 323; [1952] 1 T.L.R. 590; [1952] 1 All E.R. 674
Stevens *v.* Beattie [1952] W.N. 340; [1952] 2 All E.R. 246, D.C.
Stevens *v.* Britten [1954] 1 W.L.R. 1340; [1954] 3 All E.R. 385, C.A.
Stevens *v.* Hutchinson [1953] Ch. 299; [1953] 2 W.L.R. 545; [1953] 1 All E.R. 699
Stevens *v.* Sedgeman [1951] 2 K.B. 434; [1951] 2 T.L.R. 16; [1951] 2 All E.R. 33, C.A.
Stevens *v.* Stevens [1954] 1 W.L.R. 900; [1954] 2 All E.R. 381 (C.A.)
Stevenson Jordan & Harrison *v.* MacDonald & Evans [1952] W.N. 7; [1952] 1 T.L.R. 101, C.A.
Stewart *v.* Chapman [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; [1951] 2 All E.R. 613, D.C.
Stewart *v.* Reavell's Garage [1952] 2 Q.B. 545; [1952] 1 T.L.R. 1266; [1952] 1 All E.R. 1191
Steyning & Littlehampton Building Society *v.* Wilson [1951] Ch. 1018; [1951] 2 T.L.R. 424; [1951] 2 All E.R. 452
Stirland *v.* Stirland [1960] 1 W.L.R. 18; [1959] 3 All E.R. 891, D.C.
Stirling, decd., *In re.* Union Bank of Scotland Ltd. *v.* Stirling [1954] 1 W.L.R. 763; [1954] 2 All E.R. 113
Stirling *v.* Gilbert [1952] 2 All E.R. 153, C.A.
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Stockloser *v.* Johnson [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439; [1954] 1 All E.R. 630 (C.A.)
Stokes *v.* Bennett (Inspector of Taxes) [1953] Ch. 566; [1953] 3 W.L.R. 170; [1953] 2 All E.R. 313
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Stone *v.* Stone [1958] 1 W.L.R. 1287; [1959] 1 All E.R. 194
Stone (Thomas) Shipping Ltd. *v.* Admiralty [1952] W.N. 292; [1953] P. 117; [1953] 2 W.L.R. 807; [1953] 1 All E.R. 978 (C.A.)
Stonedale No. 1, The [1953] 1 W.L.R. 1241; [1954] P. 338; [1954] 2 W.L.R. 1075; [1954] 2 All E.R. 170 (C.A.); [1956] A.C. 1; [1955] 3 W.L.R. 203; [1955] 2 All E.R. 689 (H.L.)
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Stott *v.* Sir William Arrol & Co. Ltd. [1953] 2 Q.B. 92; [1953] 3 W.L.R. 166; [1953] 2 All E.R. 416
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Stratford *v.* Syrett [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733; [1957] 3 All E.R. 363 (C.A.)
Strath *v.* Foxon [1956] 1 Q.B. 67; [1955] 3 W.L.R. 659; [1955] 3 All E.R. 398 (D.C.)
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Street *v.* British Electricity Authority [1952] 2 Q.B. 399; [1952] 1 T.L.R. 799; [1952] 1 All E.R. 679, C.A.
Street *v.* Denham [1954] 1 W.L.R. 624; [1954] 1 All E.R. 532
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Stringer *v.* Automatic Woodturning Co. Ltd. [1955] 1 W.L.R. 971; [1956] 1 W.L.R. 138; [1956] 1 All E.R. 327 (C.A.)
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Stroud Building Society *v.* Delamont [1960] 1 W.L.R. 431; [1960] 1 All E.R. 749

Strutt *v.* Panter [1953] 1 Q.B. 397; [1953] 2 W.L.R. 406; [1953] 1 All E.R. 445 (C.A.)
Studholme *v.* Minister of Fuel & Power [1951] 2 K.B. 804; [1951] T.L.R. 737; [1951] 2 All E.R. 371, 612, C.A.
Studholme *v.* South Western Gas Board [1954] 1 W.L.R. 313; [1954] 1 All E.R. 462
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Suidar International Airways Ltd., *In re.* (Application of Vickers-Armstrongs Ltd.) [1951] Ch. 165; 66 T.L.R. (Pt. 2) 909; [1950] 2 All E.R. 920
Sullivan *v.* Sullivan [1956] 1 W.L.R. 277n.; [1956] 1 All E.R. 611n. (D.C.)
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Sumner *v.* R. L. Priestly Ltd. [1955] 1 W.L.R. 1202; [1955] 3 All E.R. 445 (C.A.)
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Surrey County Council *v.* Ministry of Education [1953] 1 W.L.R. 516; [1953] 1 All E.R. 705
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Sussex Brick Co. Ltd., *In re* [1961] 1 Ch. 289; [1960] 2 W.L.R. 665; [1960] 1 All E.R. 772
Sussman (J. & P.) Ltd., *In re* [1958] 1 W.L.R. 519; [1958] 1 All E.R. 857
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Parties

Company—Company in process of formation—Not registered—Contract of sale purporting to be made by company—Signature of future director below name of company—Whether contract enforceable by director.
Newborne v. Sensolid (Great Britain) Ltd., Parker J. [1952] W.N. 491; [1952] 2 T.L.R. 763.
C.A. [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596.

Confirming house—Principal an Australian company, agent an English confirming house—Original indent by Australian company upon manufacturer containing term "confirma-"tion and payment by" agent—Agent's contract with manufacturer for purchase of goods—Original indent cancelled by Australian company—Whether agent liable as principal.
Rusholme & Bolton & Roberts Hadfield Ld. v. S. G. Read & Co. (London) Ld., Pearce J. [1955] 1 W.L.R. 146.

Unqualified signature—Sale of goods—Contract signed by broker—Sold "for account of "our principals"—Effect.
Lester v. Balfour Williamson Merchant Shippers Ld., Divl.Ct. [1953] 2 Q.B. 168; [1953] 2 W.L.R. 1068

Estate agent. *See also* Solicitor ((**Unqualified person**) (*Tenancy and agreement*)).

Accommodation agency

Deposit required on supplying list of addresses—Balance of fee paid on client obtaining accommodation—Deposit returned to unsatisfied clients—Accommodation Agencies Act, 1953, s. 1 (1) (*b*).
McInnes v. Clarke, Divl.Ct. [1955] 1 W.L.R. 102.

Agency agreement signed on Sunday

Whether estate agent a "tradesman"—Sunday Observance Act, 1677, s. 1.
Gregory v. Fearn, C.A. [1953] 1 W.L.R. 974.

Commission

"Able and willing" purchaser introduced—Binding agreement entered into by purchaser—Financial ability of purchaser to complete—Refusal of purchaser to complete—Deposit forfeited—Deduction by agent of commission from deposit—Commission not payable.
Boots v. E. Christopher & Co., Stable J. [1951] W.N. 269.
C.A. [1952] 1 K.B. 89; [1951] 2 T.L.R. 1169; [1951] 2 All E.R. 1045.

Introduction—Whether effective cause of sale.
Jack Windle Ltd. v. Brierley, Lynskey J. [1952] 1 All E.R. 398.

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Estate agent (*Commission*)—*continued.*

Letter sent by agents stating terms of employment—Vendor's failure to reply—Purchaser introduced by agent—Contract signed by purchaser—Vendor's refusal to sign—Agent entitled to commission.
Trinder (John E.) and Partners v. Haggis, C.A. [1951] W.N. 416.

Payable "as soon as purchaser shall have signed a legally binding contract effected "within a period of three months"—Contract signed—Purchaser unable to complete purchase—Deposit forfeited—Commission payable.
Midgley Estates Ltd. v. Hand, C.A. [1952] 2 Q.B. 432; [1952] 1 T.L.R. 1452; [1952] 1 All E.R. 1394.

Payable if "offer" accepted—"By a person able and willing to enter into a formal "contract."
Christie, Owen and Davies Ld. v. Stockton, Slade J. [1953] 1 W.L.R. 1353.

Payable upon introduction of person "ready, willing and able to enter into a binding contract to purchase my business"—Contract to purchase signed by purchaser—Rescinded before completion owing to innocent misrepresentation by agents' representative—Meaning of "binding contract"—Whether agents' commission payable—Damages for breach of contract.
Peter Long & Partners v. Burns, Lord Goddard C.J. [1956] 1 W.L.R. 413, C.A. [1956] 1 W.L.R. 1083.

"Prospective purchaser"—Meaning—Contract by vendor to pay commission if and when prospective purchaser signs estate agents' purchaser's agreement and vendor signs vendor's agreement—Agreements signed by prospective purchaser and vendor—Prospective purchaser unable to purchase without mortgage—Termination of negotiations for sale by vendor—Whether estate agents entitled to commission.
Drewery and Drewery v. Ware-Lane, C.A. [1960] 1 W.L.R. 1204.

Sales under direction of court. *See* **Auctioneer.**

Whether "prepared to" means "does"—Payable upon introduction of a person "prepared to enter into a contract to purchase on certain terms or on such other terms "to which you may assent"—Agreement to sell property "subject to contract"—Contract to purchase signed by purchaser—Refusal by vendor to sign contract—Meaning of "prepared to enter into a contract"—Meaning of "assent"—Whether agent's commission payable. **Ackroyd & Sons v. Hasan,** Winn J. [1959] 1 W.L.R. 706. C.A. [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810.

Deposit

Ostensible authority of agent to receive—Agent instructed to find a purchaser—Payment of deposit by prospective purchaser—Whether receipt of deposit within agent's ostensible authority. **Ryan v. Pilkington,** C.A. [1959] 1 W.L.R. 403.

Principal's knowledge of defect in property

Negotiations for sale by innocent agents—False representations made to purchaser by agents—Knowledge and representations by different persons—Whether fraud constituted.
Armstrong v. Strain, Devlin J. [1951] W.N. 223; [1951] 2 T.L.R. 856. C.A. [1952] 1 K.B. 232; [1952] 1 T.L.R. 82; [1952] 1 All E.R. 139.

Factor. *See* **Mercantile agent.**

Fiduciary relationship

Money paid to agent by mistake or wrongfully

Money belonging to one sovereign transferred to servant of another foreign sovereign—Accountability to principal.
Nizam of Hyderabad v. Jung, C.A. [1957] Ch. 185; [1957] 2 W.L.R. 217.
Sub nom. **Rahimtoola v. Nizam of Hyderabad,** H.L.(E.) [1958] A.C. 379; [1957] 3 W.L.R. 884.

War

Principal becoming enemy alien—Goods of principal deposited in England—Goods bought by agent from Custodian—Resale—Liability of agent to account to principal.
Nordisk Insulinlaboratorium v. Gorgate Products Ltd., Vaisey J. [1952] W.N. 540; [1952] 2 T.L.R. 964; [1952] 2 All E.R. 1040. C.A. [1953] Ch. 430; [1953] 2 W.L.R. 879.

Husband and wife. *See* HUSBAND AND WIFE.

Mercantile agent

Sale of motor-car

Car deposited with agent provisionally for sale—Agent obtained registration book by a trick—Car and book sold without owner's consent to bona fide purchaser—Agent misappropriated proceeds—Purchaser's title—Factors Act, 1889, s. 2 (1).
Pearson v. Rose & Young Ltd., C.A. [1951] 1 K.B. 275.

Power of attorney. *See* POWER OF ATTORNEY.

Ratification

Competency of principal

Need for competent principal when acts are done—Enemy alien not so competent.
Boston Deep Sea Fishing and Ice Co. Ltd. v. Farnham, Harman J. [1957] 1 W.L.R. 1051.

AGENCY—*continued.*

Ratification—*continued.*

Legal proceedings

Proceedings instituted by managing director without company's authority—Application to strike out name of plaintiff company—Adoption of proceedings by liquidator—Effect. **Danish Mercantile Co. Ltd. v. Beaumont,** C.A. [1951] Ch. 680; [1951] 1 All E.R. 925.

Revocation

Sole selling agent

Expenditure of time and money—Restrictions—Master and servant analogy—Whether agreement determinable summarily. **Martin-Baker Aircraft Co. Ld. v. Canadian Flight Equipment Ld.,** McNair J. [1955] 2 Q.B. 556; [1955] 3 W.L.R. 212.

Undisclosed principal

Failure to disclose

Sale of goods later found to be stolen—Action by buyer to recover price of goods—Defence by seller of agency for named principal—Evidence of seller as to identity of principal false—Seller not permitted to set up case of agency for other undisclosed principal. **Hersom v. Bernett,** Roxburgh J. [1955] 1 Q.B. 98; [1954] 3 W.L.R. 737.

Vicarious liability. *See also* VICARIOUS LIABILITY.

War

Fiduciary relationship

Principal becoming enemy alien—Termination of agency—Goods of principal deposited in England—Goods bought by agent from Custodian of Enemy Property—Resale—Liability of agent to account to principal for profits. **Nordisk Insulinlaboratorium v. Gorgate Products Ld.,** C.A. [1953] Ch. 430; [1953] 2 W.L.R. 879.

AGRICULTURAL HOLDING

Agricultural land tribunal

Amended decision

Appeal to agricultural land tribunal—Certified decision—Error in description of land—Amended decision subsequently sent to tenant—whether later decision valid—Certiorari—Agriculture Act, 1947, s. 73—Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948, arts. 13, 14, 15. **Rex v. Agricultural Land Tribunal (South Eastern Area).** *Ex parte* **Hooker,** Divl.Ct. [1952] 1 K.B. 1; [1951] 2 T.L.R. 824; [1951] 2 All E.R. 801.

Condition of consent

Agricultural Land Tribunal—Condition imposed on landlord—Approved bailiff to be appointed—Tenant's refusal to give up possession—Effect of condition—Agricultural Holdings Act, 1948, ss. 24, 25. **Martin Smith v. Smale,** C.A. [1954] 1 W.L.R. 247.

Interests of efficient farming

Discretion of land tribunal—Agricultural Holdings Act, 1948, s. 25 (1) (*a*). **Reg. v. Agricultural Land Tribunal for the Wales and Monmouth Area.** *Ex parte* **Davies,** Divl.Ct. [1953] 1 W.L.R. 722.

Duty of tribunal to compare existing régime with that proposed by landlord—Jurisdiction of tribunal—Appeal—Certiorari or case stated—Agricultural Holdings Act, 1948, s. 25 (1) (*a*) (5)—Agriculture (Miscellaneous Provisions) Act, 1954, s. 6 (1). **Davies v. Price,** C.A. [1958] 1 W.L.R. 434.

Landlord proposing to cultivate holding together with other extensive land—Duty of tribunal to determine, first, whether increased production from holding will result from notice—Exercise of discretion, if necessary, to follow—Agricultural Holdings Act, 1948, s. 25 (1) (*a*). **Reg. v. Agricultural Land Tribunal for Eastern Province of England.** *Ex parte* **Grant,** C.A. [1956] 1 W.L.R. 1240.

Issue of sound management

Tenant's personal fortunes as farmer not to be considered—Discretion of tribunal—Agricultural Holdings Act, 1948, s. 25 (1) (*b*)—Agriculture Act, 1958, s. 3 (2). **Evans v. Roper,** Divl.Ct. [1960] 1 W.L.R. 814.

Arbitration

Whether exclusive remedy. (*See also* **Compensation.**)

Notice to quit—Validity—Minister's power to make regulations—Whether mandatory—Agricultural Holdings Act, 1948, ss. 24, 26—Agriculture (Control of Notices to Quit) Regulations, 1948, reg. 4. **Jones v. Gates,** C.A. [1954] 1 W.L.R. 222.

Compensation

Contractual provisions, effect of

Compensation for dilapidation or deterioration—Arbitrator entitled to refer to the terms of the contract of tenancy to ascertain tenant's obligation—Agriculture Act, 1947, ss. 9, 10 (3), 11 (1) (2) (*d*) (*e*) (*f*) (3), 37 (1)—Agricultural Holdings Act, 1948, ss. 57 (1), 65—Agriculture (Maintenance, Repair and Insurance of Fixed Equipment) Regulations, 1948. **Barrow Green Estate Co. v. Executors of Walker, decd.,** C.A. [1954] 1 W.L.R. 231.

AGRICULTURAL HOLDING—*continued.*

Compensation (*Contractual provisions, effect of*)—*continued.*

Conflict between contractual and statutory obligations—Contract imposing no liability on tenant to repair hedges—Statutory clause imposing liability on tenant to repair hedges—Agricultural Holdings Act, 1948, s. 6 (1) (2) (3)—Agriculture (Maintenance, Repair and Insurance of Fixed Equipment) Regulations, 1948, Sch., Pt. II, para. 5. **Burden v. Hannaford,** C.A. [1956] 1 Q.B. 142; [1955] 3 W.L.R. 606.

Limiting provisions void by statute—Repeal of statute—Whether provision in lease rendered valid—Interpretation Act, 1889, s. 38 (2)—Agricultural Holdings Act, 1923, s. 50—Agricultural Holdings Act, 1948, s. 65—Agricultural (Control of Notices to Quit) Regulations, 1948, reg. 7.
Coates v. Diment, Streatfeild J. (Dorset Assizes) [1951] 1 All E.R. 890.

Damages, claim in lieu

Covenant in lease to keep buildings in repair—Breach—Landlord's claim for damages brought during continuance of tenancy—Whether action barred by Agricultural Holdings Act—Agricultural Holdings Act, 1948, s. 57.
Kent v. Conniff, Slade J. [1952] W.N. 342; [1952] 2 T.L.R. 209.
C.A. [1953] 1 Q.B. 361; [1953] 2 W.L.R. 41.

Tenancy in writing—Tenants' breaches of undertakings—Landlord's right to sue in Queen's Bench Division—Agricultural Holdings Act, 1948, ss. 57 (3), 70 (1) and 99.
Gulliver v. Catt, Barry J. [1952] 1 T.L.R. 6; [1952] 1 All E.R. 97.
C.A. [1952] 2 Q.B. 308; [1952] 1 T.L.R. 956; [1952] 1 All E.R. 929.

"Good tenantable repair"

Landlord's claim for dilapidations—Liability of tenant to leave "in good tenantable "repair, order and condition"—Meaning—Agricultural Holdings Act, 1948, ss. 6, 57, 58—Agricultural (Maintenance, Repair and Insurance Fixed Equipment) Regulations, 1948, Sch., Part II, paras. 5, 9, 10.
Evans v. Jones, C.A. [1955] 2 Q.B. 58; [1955] 2 W.L.R. 936.

"Notice of claim"

Form—Notice of intention to claim by landlord—Notice setting out alternative claims based on tenancy agreement and statute—Whether valid notice—Agricultural Holdings Act, 1948, ss. 57, 70. **Boyd v. Wilton,** C.A. [1957] 2 Q.B. 277; [1957] 2 W.L.R. 636.

Court of Appeal

Jurisdiction

Consultative case from county court judge as arbitrator—Whether appeal lies—County Courts Act, 1934, s. 105—Agricultural Holdings Act, 1948, Sch. VI, para. 24.
Lloyds Bank Ltd. v. Jones, C.A. [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5.

Death of tenant

Effect

Administratrix of tenant—Whether "tenant with whom the contract of tenancy was "made"—Agricultural Holdings Act, 1948, s. 24 (2) (*g*).
Costagliola v. Bunting, Gorman J. [1958] 1 W.L.R. 580.

Death of tenant intestate—Vesting of legal estate—Grant of administration before notice operative—Administration of Estates Act, 1925, s. 9.
Harrowby v. Snelson, Cassels J. [1951] W.N. 11; [1951] 1 All E.R. 140.

Tenant's covenant to inhabit farm—Death of tenant—Liability of trustees of will—Acquiescence in one trustee only inhabiting farm—Effect—Agricultural Holdings Act, 1948, s. 24 (2) (*d*). **Lloyds Bank Ld. v. Jones,** C.A. [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5.

Yearly tenancy—Farm managed by son—Landlord not informed of tenant's intestacy—Son and daughter remaining in occupation of farm—Notice to quit addressed to executors of deceased tenant at farm—Validity—Agricultural Holdings Act, 1948, s. 92 (3). **Egerton v. Rutter,** Lord Goddard C.J. [1951] 1 K.B. 472; [1951] 1 T.L.R. 58.

Definition. (*See also* **Tenancy within Act.**)

Allotment

Land used for cultivating vegetables for purpose of trade or business—Six months' notice to terminate tenancy given by landlord under Allotments Acts—Whether land an agricultural holding—Validity of notice—Agricultural Holdings Act, 1948, s. 1 (1) (2).
Stevens v. Sedgeman, C.A. [1951] 2 K.B. 434; [1951] 2 T.L.R. 16; [1951] 2 All E.R. 33.

Cottage

Lease of three cottages with agricultural land—Tenancy from year to year with provision for six months' notice to quit—Cottages sublet to persons not engaged in agriculture—"Aggregate of the agricultural land comprised in a contract of tenancy"—Agricultural Holdings Act, 1948, s. 1 (1). **Howkins v. Jardine,** C.A. [1951] 1 K.B. 614; [1951] 1 T.L.R. 135; [1951] 1 All E.R. 320.

Tenancy of farm under written agreement—Subsequent oral tenancy of cottage—Cottage occupied by tenant's farm labourer—Whether cottage an "agricultural holding"—Agricultural Holdings Act, 1948, s. 1 (1) (2).
Blackmore v. Butler, C.A. [1954] 2 Q.B. 171; [1954] 3 W.L.R. 62.

AGRICULTURAL HOLDING—*continued.*

Definition—*continued.*

Shop

Demised land and premises used for horticulturist's business—Premises as a whole used as a retail shop for the sale of horticultural products—Horticultural processes carried on in substantially the whole of the premises ancillary to main use—Whether premises an "agricultural holding"—Agricultural Holdings Act, 1948, ss. 1, 3, 94.
Monson v. Bound, McNair J. [1954] 1 W.L.R. 1321.

Mortgage

Attornment clause

Relation of landlord and tenant—Mortgagee's claim for possession—Whether mortgagor within protection of Agricultural Holdings Acts—Agricultural Holdings Act, 1948, s. 23.
Steyning and Littlehampton Building Society v. Wilson, Danckwerts J. [1951] Ch. 1018; [1951] 2 T.L.R. 424; [1951] 2 All E.R. 452.

Notices generally. (*See also* **Notice to quit** (*Validity*).)

Agent, served on

Notice to quit—Agricultural Holdings Act, 1948, s. 92 (3).
Wilbraham v. Colclough, Jones J. [1952] 1 All E.R. 979.

Ambiguity

Landlord's name incorrect—Notice of claim for dilapidations on surrender—Whether notice invalid—Agricultural Holdings Act, 1948, s. 70.
Frankland v. Capstick, C.A. [1959] 1 W.L.R. 204.

Truculent letter

Tenant's counter-notice—Whether notice invoking statutory protection—Agricultural Holdings Act, 1948, s. 24 (1). **Mountford v. Hodkinson,** C.A. [1956] 1 W.L.R. 422.

Notice to quit. (*See also* **Agricultural Land Tribunal.**)

Continuous occupation by a landlord for twelve months

Succession of new landlord during period—Meaning of "landlord"—Agricultural Holdings Act, 1948, s. 24 (1) (3), s. 94.
Lawes v. Caulcutt, Gorman J. [1952] 2 Q.B. 834; [1952] 1 T.L.R. 757; [1952] 1 All E.R. 748.

Validity. (*See also* **Notices generally.**)

Failure to remedy breach of tenancy—Premature—Whether valid as ordinary notice to quit—Agricultural Holdings Act, 1948, s. 24 (1) (2).
Cowan v. Wrayford, C.A. [1953] 1 W.L.R. 1340.

Meaning of "required" for use other than agriculture—Whether arbitration exclusive remedy—Minister's power to make regulations—Whether mandatory—Agricultural Holdings Act, 1948, ss. 24, 26—Agriculture (Control of Notices to Quit) Regulations, 1948, reg. 4. **Jones v. Gates,** C.A. [1954] 1 W.L.R. 222.

Notice given before March 1, 1948, expiring on October 11, 1948—Consent of Minister to notice not obtained—Order requiring consent of Minister revoked on March 1, 1948—Whether notice to quit valid—"Null and void"—Meaning—Interpretation Act, 1889, s. 38 (2)—Defence (General) Regulations, 1939, regs. 62 (4*a*), 99B—Defence Regulations (No. 3) Order, 1948, reg. 1. **Boddington v. Wisson,** C.A. [1951] 1 K.B. 606; [1951] 1 All E.R. 166.

Partial failure to remedy breach of condition—Reference to arbitration whether partial compliance insufficient to justify notice — Validity of notice to quit — Agricultural Holdings Act, 1948, s. 24 (2) (*d*).
Price v. Romilly, Diplock J. [1960] 1 W.L.R. 1360.

Reasons stated—Ambiguity—Validity—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*d*).
Hammon v. Fairbrother, Cassels J. [1956] 1 W.L.R. 490.

——— Failure to remedy breaches of tenancy—Reference to arbitration of one reason under previous notice to quit—Whether second reason premature—Validity of notice to quit—Agricultural Holdings Act, 1948, ss. 24 (2) (*d*), 26 (1) (*a*) (*d*)—Agricultural (Control of Notices to Quit) Regulations, 1948, regs. 4, 5 and 7.
French v. Elliott, Paull J. [1960] 1 W.L.R. 40.

Reference to part only of land—Joint tenancy—Tenant dying within three months—"Tenant" including tenants—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*g*)—Interpretation Act, 1889, s. 1.
Woodward v. Dudley, Danckwerts J. [1954] Ch. 283; [1954] 1 W.L.R. 476.

Restrictions on operation of—Landlord's complaint of breach of covenant—Necessity for specifying reason for notice—Notice held invalid for uncertainty—Agricultural Holdings Act, 1948, s. 24 (1) (2). **Budge v. Hicks,** C.A. [1951] 2 K.B. 335; [1951] 2 T.L.R. 349; [1951] 2 All E.R. 245.

Service. See Notices generally.

Rent payable

Reference to arbitration

Service of statutory notice—Whether reference to be before "next ensuing day" on which tenancy determinable—Agricultural Holdings Act, 1948, s. 8.
Sclater v. Horton, C.A. [1954] 2 Q.B. 1; [1954] 2 W.L.R. 566.

AGRICULTURAL HOLDING—*continued.*

Settled land

Improvement

Applicability of capital money—Unauthorised repairs executed before 1948 by assign of tenant for life—Unauthorised repairs executed after 1948—Discretion of trustees of settlement—Settled Land Act, 1925, ss. 73 (1) (iv), 75 (1) (2)—Agricultural Holdings Act, 1948, ss. 1 (2), 81 (1), 94 (1), 96 (1), Sch. III.
In re **Sutherland Settlement Trusts,** Harman J. [1953] Ch. 792; [1953] 2 W.L.R. 1163.

Payment out of capital moneys—Settled Land Act, 1925, ss. 73 (1) (iv), 84, 87—Agricultural Holdings Act, 1948, ss. 81 (1), Sch. III, para. 23.
In re **Lord Brougham and Vaux,** Vaisey J. [1954] Ch. 24; [1953] 3 W.L.R. 465.

Sub-tenancy

Termination

Effect of end of tenancy by notice—Whether common law rule affected by Agricultural Holdings Act, 1948, or regulations made thereunder.
Sheerwood v. Moody, Ormerod J. [1952] W.N. 95; [1952] 1 T.L.R. 450; [1952] 1 All E.R. 389.

Tenancy within Act. (*See also* **Definition.**)

Period of letting

Letting of farm and land for eighteen months—Whether let for interest less than tenancy from year to year—Agricultural Holdings Act, 1948, s. 2 (1).
Gladstone v. Bower, Diplock J. [1960] 1 Q.B. 170; [1959] 3 W.L.R. 815.
C.A. [1960] 2 Q.B. 384; [1960] 3 W.L.R. 575.

Letting of fields for mowing and grazing during 364 days in the year—Whether let "during some specified period of the year"—Agricultural Holdings Act, 1948, s. 2 (1), proviso. **Reid v. Dawson,** C.A. [1955] 1 Q.B. 214; [1954] 3 W.L.R. 810.

Letting of land for mowing and grazing for three months—Subsequent extensions, by new agreements, for like periods—Claim by landlords for possession—Contemplation of parties—Whether let during some specified period of the year—Agricultural Holdings Act, 1948, s. 2 (1), proviso.
Scene Estate Ltd. v. Amos, C.A. [1957] 2 Q.B. 205; [1957] 2 W.L.R. 1017.

Trust for sale

Repairs

Expenditure on repairs by trustees—Whether proper to apply capital moneys—Whether discretion to apply capital moneys for such repairs without regard to the interests of persons in remainder entitled to capital—Law of Property Act, 1925, s. 28—Settled Land Act, 1925, s. 73 (1) (iv)—Agricultural Holdings Act, 1948, s. 96 (1), Sch. III.
In re **Boston's Will Trusts,** Vaisey J. [1956] Ch. 395; [1956] 2 W.L.R. 700.

AGRICULTURAL LAND TRIBUNAL. *See* AGRICULTURAL HOLDING; AGRICULTURE.

AGRICULTURE. (*See also* AGRICULTURAL HOLDING; COMPULSORY PURCHASE; MARKET; RATING.)

Agricultural Credits Act. *See* BANKING.

Agricultural holding. *See* AGRICULTURAL HOLDING.

Agricultural land tribunal. *See also* **Agricultural holding.**

Nominated members

Appointment by Minister—Members appointed by servant of Minister acting as secretary of tribunal—No specific authorization to make appointments on Minister's behalf—Prevailing practice—Absence of writing—Validity—Defect in appointment curable by statutory provisions for validation—Minister's certificate having force of compulsory purchase order for land—Validity of certificate—No application to High Court within six weeks of service of notice of certificate—Proceedings to question tribunal's decision barred—Acquisition of Land (Authorization Procedure) Act, 1946, s. 1, Sch. I, Pt. IV, paras. 15, 16—Agriculture Act, 1947, ss. 73, 74, 85, 92, Sch. IX, paras. 15, 20 (2), 22 (2).
Woollett v. Minister of Agriculture and Fisheries, Stable J. [1954] 1 W.L.R. 1149.
C.A. [1955] 1 Q.B. 103; [1954] 3 W.L.R. 776.

Agricultural marketing

Disciplinary committee

Special case—Application of Arbitration Acts—Whether court has power to remit award—Chairman of committee—Whether paid chairman an "independent person"—Agricultural Marketing Act, 1949, ss. 5 (1) (*a*), 8—Potato Marketing Scheme (Approval) Order, 1955, para. 83—Arbitration Act, 1950, s. 22.
Potato Marketing Board v. Merricks, Devlin J. [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135.

Potato

Whether power to "enter and inspect" land includes power to measure—Whether power improperly exercised—Demand for information about potatoes and total arable acreage of farm—Whether demand, if partly bad, severable—Agricultural Marketing Act, 1931, s. 5 (*g*) (*h*)—Agricultural Marketing Act, 1949, ss. 5 (1) (*a*), 8—Potato Marketing Scheme (Approval) Order, 1955, paras. 81, 82, 83.
Potato Marketing Board v. Merricks, Devlin J. [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135.

AGRICULTURE—*continued.*

Agricultural marketing—*continued.*

Scheme

"Scheme regulating the marketing of an agricultural product"—Apple and Pear Publicity Scheme—Prohibition on sales by unregistered producers—Discretionary powers of board as to advertising, distribution and sales to authorised merchants—Whether scheme "regulating the marketing"—Agricultural Marketing Act, 1931, ss. 1 (1) (8), 5 (as amended by the Agricultural Marketing Act, 1933, ss. 19, Sch. 3), 6 (1)—Agricultural Marketing Act, 1958, ss. 1 (1), 2 (7), 6 (1) (2), 7 (1), 8 (1).
Tuker v. Ministry of Agriculture, Fisheries and Food, C.A. [1960] 1 W.L.R. 819.

Deficiency payments

Nature

Whether part of "price" of wheat for purposes of tithe corn rents—Cereals (Deficiency Payments) Order, 1955, arts. 3, 4.
In re **Scremby Corn Rents,** Divl.Ct. [1960] 1 W.L.R. 648.
C.A. [1960] 1 W.L.R. 1227.

Profit à prendre. *See* PROFIT À PRENDRE.

"Smallholding"

Meaning

County council as smallholdings authority—Delegation of powers to "Smallholdings "committee"—Committee's intention to demolish buildings on demised premises—Premises not a "smallholding"—Whether intention of local authority established—Agriculture Act, 1947, ss. 47, 66—Landlord and Tenant Act, 1954, s. 30 (1) *(f)*.
Craddock v. Hampshire County Council, C.A. [1958] 1 W.L.R. 202.

Supervision or dispossession order

Representations by farmer

Appointment by Minister of county agricultural executive committees to hear representations—Delegation to husbandry sub-committee—Hearing of representations by subcommittee—"No officers or servant of a county agricultural executive committee, or any "sub-committee or district committee thereof shall be appointed . . . to receive represen-"tations"—Sub-committee entitled to receive representations—Presence of clerk to committee — Dispossession order — Acreage affected incorrectly stated — Order invalid—Agriculture Act, 1947, ss. 12, 17 (1) (2), 104 (1) (4) (5)—Agriculture (Scotland) Act, 1948, s. 80 (5). **Regina v. Minister of Agriculture and Fisheries.** *Ex parte* **Graham. Regina v. Agricultural Land Tribunal (South Western Province).** *Ex parte* **Benney,** Divl.Ct. [1955] 2 W.L.R. 148;
C.A. [1955] 2 Q.B. 140; [1955] 2 W.L.R. 872.

Threshing machine

Fencing

Statutory duty to fence during the working "thereof"—Machine to be kept "sufficiently "and securely fenced so far as is reasonably practicable and consistent with the due "and efficient working thereof"—Liability of owner of machine and employer of injured workman—Liability of farmer for whose "service or benefit" machine used—Whether farmer "permitted" use—Threshing Machines Act, 1878, s. 1.
Jones v. Richards, Barry J. [1955] 1 W.L.R. 444.

AIRCRAFT. (*See also* CRIME; NEGLIGENCE.)

Carriage by air

International carriage

Loss of goods—Jurisdiction—Carriers named in consignment note—Carriage on their behalf—Doctrine of deviation—Carriage by Air Act, 1932, s. 1; Sch. 1—Warsaw Convention, arts. 28 (1), 30 (1).
Rotterdamsche Bank N.V. v. British Overseas Airways Corporation, Pilcher J. [1953] 1 W.L.R. 493.

Passenger ticket—Woman passenger killed in air crash—Ticket issued by air transport company—Particulars of agreed stopping places omitted—Whether "passenger ticket" delivered—Extent of carrier's liability—Claim by two infant children of widowed mother—"Damage sustained"—Carriage by Air Act, 1932, s. 1 (1) Sch. 1, c. II, art. 3 (1) (c), (2), c. III, arts. 17, 22. **Preston v. Hunting Air Transport Ltd.,** Ormerod J. [1956] 1 Q.B. 454; [1956] 2 W.L.R. 526.

"Wilful misconduct"—Breaches of regulations and safety standards—Carriage by Air Act, 1932, Sch. I, arts. 17, 22, 25.
Horabin v. British Overseas Airways Corpn., Barry J. [1952] W.N. 519;
[1952] 2 All E.R. 1016.

Nationalisation

Private aircraft company—Flights organised by association for own members—Public becoming members of association to participate in tours—"Scheduled journey"—Meaning—Air Corporations Act, 1949, s. 24.
Director of Public Prosecutions v. Milbanke Tours Ltd., Divl.Ct.
[1960] 1 W.L.R. 630.

Damage caused by

"Taking off"

Whether aircraft taxi-ing to take-off position "taking off"—Air Navigation Act, 1920, s. 9 (1). **Blankley v. Godley,** Byrne J. [1952] 1 All E.R. 436n.

AIRCRAFT—*continued.*

Injury caused by

Accident at airfield

Husband of passenger killed by revolving propeller—Liability of operators of flying service—Whether owners and occupiers of airfield also liable.
Waring v. East Anglian Flying Services Ltd., Barry J. [1951] W.N. 55.

ALIEN. (*See also* NATIONALITY).

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Deportation order made—Immediate detention of alien—Whether Secretary of State bound to afford alien opportunity to leave voluntarily—Aliens Order, 1920, art. 12.
Rex v. Governor of Brixton Prison. *Ex parte* **Pawel Sliwa**, C.A. [1952] 1 K.B. 169; [1952] 1 T.L.R. 61; [1952] 1 All E.R. 187.

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Alien landing from aircraft at approved port for purpose only of embarking in another aircraft—Power of immigration officers to restrict limits or premises within which alien required to remain—Aliens Restriction Act, 1914, s. 1—Aliens Restriction (Amendment) Act, 1919, s. 1 (1)—Aliens Order, 1953, art. 2 (1) (*b*) (2).
Kuchenmeister v. Home Office, Barry J. [1958] 1 Q.B. 496; [1958] 2 W.L.R. 453.

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ANIMAL. (*See also* TRESPASS (**Cattle**).)

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Dog

Control

Complaint—Information laid against owner that dog was dangerous and not kept under proper control—Order by justices that dog to be kept under proper control—Whether proceedings correctly instituted—Dogs Act, 1871, s. 2.
Reg. v. Nottingham Justices. *Ex parte* **Brown**, Divl.Ct. [1960] 1 W.L.R. 1315.

Owner ordered to keep under proper control—Summons for failing to comply with order—Dog ordered to be destroyed—Jurisdiction of justices—Dogs Act, 1871, s. 2.
Rhodes v. Heritage, Divl.Ct. [1951] W.N. 221; [1951] 1 T.L.R. 802; [1951] 1 All E.R. 904.

"Unlawful and malicious killing"

Poultry farm—Dog chasing chickens—Dog's owner warned—Right of poultry owner to kill—Reasonableness. **Goodway v. Becher**, Divl.Ct. [1951] 2 All E.R. 349.

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Greyhounds being exercised on highway on leads—Whether "at large"—Metropolitan Police Act, 1839, s. 54 (2). **Ross v. Evans**, Divl.Ct. [1959] 2 Q.B. 79; [1959] 2 W.L.R. 699.

Ferae naturae

Elephant

Whether ferae naturae—Liability of owner for acts of animal ferae naturae not flowing from savage disposition—Whether wrongful act of third party a defence—Midget injured when booth in funfair knocked down by elephant—Elephant irritated by dog introduced into booth by third party—Prohibition against introduction of dogs—Tame Burmese circus elephant—Midgets licensees of booth—Knowledge by midgets that elephants passing booth—Applicability of maxim volenti non fit injuria.
Behrens v. Bertram Mills Circus Ltd., Devlin J. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404.

Fish. *See* FISHERY; RIVER POLLUTION.

Nuisance. *See* PUBLIC HEALTH.

Pests. *See* PUBLIC HEALTH.

Poultry

Disease

Poultry bought and resold day later for slaughter—Poultry fed—Whether poultry "fed" for slaughter—Live Poultry (Movement Records) Order, 1954, art. 2 (1).
Wernick v. Green, Divl.Ct. [1958] 1 W.L.R. 92.

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ARBITRATION

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Arbitrator. (*See also* **Award.**)

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Arbitrator's inquiry into own jurisdiction—Effect on award. **Christopher Brown Ld. v. Genossenschaft Oesterreichischer,** Devlin J. [1954] 1 Q.B. 8; [1953] 3 W.L.R. 689.

Award condition precedent to proceedings—Action for declaration that award valid and conclusive—Action to enforce award—Right of appeal from award in issue—Issue concerning jurisdiction of arbitrator — Jurisdiction of court — Arbitration Act, 1950, s. 25 (4). **Getreide-Import-Gesellschaft M.B.H. v. Contimar S.A. Compania Industrial Comercial y Maritima,** Sellers J. [1953] 1 W.L.R. 207. C.A. [1953] 1 W.L.R. 793.

Frustration—"Disputes arising out of contract"—Contract unexecuted—Alleged frustration—Jurisdiction of arbitrator to entertain dispute. **Kruse v. Questier & Co. Ld.,** Pilcher J. [1953] 1 Q.B. 669; [1953] 2 W.L.R. 850.

——— Incidental claims—Contract for the rendering of professional services—"Any dispute or difference . . . in relation to any thing or matter arising out of or under this agreement . . . shall be referred" to arbitration—Allegation that contract frustrated—Claim for remuneration on quantum meruit and for compensation under Law Reform (Frustrated Contracts) Act, 1943—Whether claims "arising out of . . . agreement"—Whether claims within scope of reference to jurisdiction—Law Reform (Frustrated Contracts) Act, 1943, s. 1 (3). **Government of Gibraltar v. Kenney,** Sellers J. [1956] 2 Q.B. 410; [1956] 3 W.L.R. 466.

Interest—Arbitrator's power to award interest—Law Reform (Miscellaneous Provisions) Act, 1934, s. 3. **Chandris v. Isbrandtsen-Moller Co. Inc.,** Devlin J. and C.A. [1951] 1 K.B. 240.

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Award based on illegal contract—Jurisdiction of court to set aside—Arbitration Act, 1950, s. 23. **David Taylor & Son Ld. v. Barnett Trading Co.,** C.A. [1953] 1 W.L.R. 562.

Counterclaim to set award aside—Whether such counterclaim possible. **Birtley District Co-operative Society Ltd. v. Windy Nook and District Industrial Co-operative Society,** Streatfeild J. [1959] 1 W.L.R. 142.

Natural justice—Radical departure from cases submitted by parties—Insufficient warning to parties. **Société Franco-Tunisienne D'Armement-Tunis v. Government of Ceylon,** C.A. [1959] 1 W.L.R. 787.

Trade custom—Agreement to arbitrate according to rules of trade association—Alleged custom that umpire should remain with appeal board in the absence of parties—Communication by umpire to board—Provision in rules that umpire not to be member of board or to elect members of board—Whether adoption of custom contrary to natural justice—Whether custom excluded by implication from terms of arbitration agreement. **London Export Corporation Ltd. v. Jubilee Coffee Roasting Co. Ltd.,** Diplock J. [1958] 1 W.L.R. 271; C.A. [1958] 1 W.L.R. 661.

ARBITRATION—*continued.*

Arbitrator (*Misconduct*)—*continued.*

Waiver — Two arbitrators appointed under rules of trade association — Disagreement — Appointment of umpire—Status of arbitrators before umpire—Extent of authority.
Wessanen's Koninklijke Fabrikien v. Isaac Modiano Brother & Sons Ltd., Diplock J. [1960] 1 W.L.R. 1243.

Qualification

Arbitration to be held under rules of one of two trade associations—One arbitrator not qualified to act under the rules adopted—Award—Validity—Whether party entitled to set up non-qualification of his own arbitrator to invalidate award—Estoppel by conduct.
Oakland Metal Co. Ld. v. D. Benaim & Co. Ld., Parker J. [1953] 2 Q.B. 261; [1953] 3 W.L.R. 475.

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Certiorari—Prohibition. **Regina v. National Joint Council for the Craft of Dental Technicians (Disputes Committee).** *Ex parte* **Neate,** Divl.Ct. [1953] 1 Q.B. 704; [1953] 2 W.L.R. 342.

Award

Appeal from

Notice to be given within 14 days—Notice deemed to be received not later than 24 hours after posting—Letter incorrectly addressed—Delivery out of time—Whether notice received within time.
Getreide-Import-Gesellschaft M.B.H. v. Contimar S.A. Compania Industrial Comercial y Maritima, Sellers J. [1953] 1 W.L.R. 207; C.A. [1953] 1 W.L.R. 793.

Enforcement by action

Foreign award—Unenforceable locally without order of local court—Whether "final"—Arbitration Act, 1950, ss. 26, 36, 37.
Union Nationale des Cooperatives Agricoles de Céreales v. Robert Catterall & Co. Ltd., C.A. [1959] 2 Q.B. 44; [1959] 2 W.L.R. 532.

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Implied term that award capable of enforcement as judgment—Jurisdiction to remit—Uncertainty—Arbitration Act, 1950, s. 26.
Margulies Brothers Ltd. v. Dafnis Thomaides & Co. (U.K.) Ltd., Diplock J. [1958] 1 W.L.R. 398.

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Award under union rules—Whether binding on member after withdrawal from union—Co-operative societies—Award defining trade areas.
Bellshill and Mossend Co-operative Society Ltd. v. Dalziel Co-operative Society Ltd., H.L.(Sc.) [1960] A.C. 832; [1960] 2 W.L.R. 580.

Illegality

Restraint of trade—Award *ex facie* lawful—Whether court entitled to look behind award.
Birtley and District Co-operative Society Ltd. v. Windy Nook and District Industrial Co-operative Society Ltd. (No. 2), Streatfeild J. [1960] 2 Q.B. 1; [1959] 2 W.L.R. 415.

Jurisdiction

Award condition precedent to proceedings—Action for declaration that award valid and conclusive—Action to enforce award—Right of appeal from award in issue—Issue concerning jurisdiction of arbitrator—Jurisdiction of court—Arbitration Act, 1950, s. 25 (4). **Getreide-Import-Gesellschaft M.B.H. v. Contimar S.A. Compania Industrial Comercial y Maritima,** Sellers J. [1953] 1 W.L.R. 207; C.A. [1953] 1 W.L.R. 793.

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Discretion of arbitrator

Injudicial exercise of discretion. **L. E. Cattan Ltd. v. A. Michaelides & Co.,** Diplock J. [1958] 1 W.L.R. 717.

Successful party normally entitled—Claimants awarded one-tenth of their claim—Ordered to pay whole costs of arbitration—Whether judicial exercise of discretion—Based on mistake of law—Whether judge may consider mistake of law.
Heaven & Kesterton Ltd. v. Sven Widaeus A/B, Diplock J. [1958] 1 W.L.R. 248.

——— Costs awarded against party succeeding in part—Whether any duty in arbitrator to give reasons for award of costs made—County Courts Act, 1934, s. 89. **Perry v. Stopher,** C.A. [1959] 1 W.L.R. 415.

——— Costs awarded to one party whatever result of appeal—Whether judicial exercise of discretion—Desirability of giving reasons for departing from usual order as to costs—Arbitration Act, 1950, s. 18.
Smeaton Hanscomb & Co. Ld. v. Sassoon I. Setty, Son & Co. (No. 2), Devlin J. [1953] 1 W.L.R. 1481.

——— Order for each party to pay own costs.
Lewis v. Haverfordwest Rural District Council, Lord Goddard C.J. [1953] 1 W.L.R. 1486.

ARBITRATION—*continued.*

County court

Powers of

Application to set aside part of award—Whether jurisdiction to set aside part only—County Courts Act, 1934, s. 89 (3), proviso.
Perry v. Stopher, C.A. [1959] 1 W.L.R. 415.

Judge—Application to set aside arbitrator's award—Scope of judge's discretion—County Courts Act, 1934, s. 89 (1) (3) (as amended by Administration of Justice Act, 1956, s. 31 (4)). **Meyer v. Leanse,** C.A. [1958] 2 Q.B. 371; [1958] 3 W.L.R. 518.

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Per rem judicatam

Right to submit " any dispute " arising out of contract—Separate arbitrations on different disputes—Two awards—Question of law—Failure to state a case—Failure of motion to set aside—Final award binding.
H. E. Daniels Ld. v. Carmel Exporters and Importers Ld., Pilcher J. [1953] 2 Q.B. 242; [1953] 3 W.L.R. 216

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Ouster of jurisdiction of courts

Unincorporated association

Council empowered to be sole interpreters of rules—Jurisdiction of court—Association of weightlifters. **Baker v. Jones,** Lynskey J. [1954] 1 W.L.R. 1005.

Partnership

Action for dissolution

Claim involving exercise of judicial discretion—Whether matter should be transferred to arbitrator. **Olver v. Hillier,** Roxburgh J. [1959] 1 W.L.R. 551.

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Construction

Undesirability of construing too rigidly.
Anglo-Saxon Petroleum Co. Ltd. v. Adamastos Shipping Co. Ltd., C.A. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 968.

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Duty of parties to arbitration. **Sinason-Teicher Inter American Grain Corpn. v. Oilcakes and Oilseeds Trading Co. Ltd.,** Devlin J. [1954] 1 W.L.R. 935; C.A. [1954] 1 W.L.R. 1394.

Inference of fact—Power of court to draw—Relevant facts found by arbitrator—Inferences of fact not drawn by arbitrator—R.S.C., Ord. 34, rr. 1, 7.
Universal Cargo Carriers Corporation v. Citati, C.A. [1958] 2 Q.B. 254; [1958] 3 W.L.R. 109.

Primary facts—Jurisdiction of court to find secondary fact—Contract—Frustration.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., Diplock J. [1959] 2 W.L.R. 179. C.A. [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869.

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Universal Cargo Carriers Corporation v. Citati, Devlin J. [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713; C.A. [1957] 1 W.L.R. 979.

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Windsor Rural District Council v. Otterway & Try, Ltd., Devlin J. [1954] 1 W.L.R. 1494.

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Court's right to consider. **Leolga Compania de Navigacion v. John Glynn & Son Ltd.,** Pilcher J. [1953] 1 W.L.R. 846.

——————— Question of law left in general form.
Universal Cargo Carriers Corporation v. Citati, Devlin J. [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713; C.A. [1957] 1 W.L.R. 979.

Statement of specific questions of law—Whether other questions may be raised.
Minister of Food v. Reardon Smith Line Ltd., McNair J. [1951] 2 T.L.R. 1158.

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Universal Cargo Carriers Corporation v. Citati, Devlin J. [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713; C.A. [1957] 1 W.L.R. 979.

Stay of judicial proceedings

Fraud

Application for order that arbitration agreement and condition precedent clause should cease to have effect—Jurisdiction of Divisional Court—Arbitration Act, 1950, ss. 24 (2), 25 (4). **Kruger Townwear Ld. v. Northern Assurance Co. Ld. [Practice Note],** Divl.Ct. [1953] 1 W.L.R. 1049.

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Dissolution—Partnership agreement containing arbitration clause—Action by one partner for decree of dissolution—Claim for appointment of receiver—Application for stay of proceedings—Claim involving exercise of judicial discretion—Whether action should be stayed—Partnership Act, 1890, s. 35 (*d*) (*f*)—Arbitration Act, 1950, s. 4 (1).
Olver v. Hillier, Roxburgh J. [1959] 1 W.L.R. 551.

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Stay of judicial proceedings—*continued.*

Submission to foreign court

Assignment of contract—Both parties strangers to foreign court—Refusal of stay—Arbitration Act, 1950, s. 4. **The Fehmarn,** Willmer J. [1957] 1 W.L.R. 815. C.A. [1958] 1 W.L.R. 159.

Time bar

Award condition precedent to proceedings

"Any claim must be made within 14 days from final discharge"—Buyers' claim for compensation made out of time—Appointment of arbitrator—Award—Jurisdiction of arbitrator—Waiver—Whether buyers' claim barred.
Smeaton Hanscomb & Co. Ld. v. Sassoon I. Setty, Son & Co. (No. 1), Devlin J. [1953] 1 W.L.R. 1468.

Sale of goods—Chain contract—Goods sold to four consecutive purchasers—Action by ultimate purchaser—Application for stay by fifth party—Expiration of time for arbitration—Whether parties entitled to arbitration—Arbitration Act, 1950, s. 4.
W. Bruce Ltd. v. J. Strong, C.A. [1951] 2 K.B. 447; [1951] 1 All E.R. 1021.

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Application for—Court to which motion should be made—"Court"—"High Court"—Arbitration Act, 1934, s. 16 (6)—Arbitration Act, 1950, s. 27.
Raymond and Reid v. Grainger, Divl.Ct. [1952] W.N. 318; [1952] 1 T.L.R. 1632n.; [1952] 2 All E.R. 152.

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Architect's Discipline Committee

Appeal from—"Disgraceful conduct"—Meaning—Registered architect practising as architect and estate agent—Combined practice contrary to code drawn up subsequent to architect's registration—Removal from register—Power of court to review committee's decision—Effect of code on architect—Architects (Registration) Act, 1931, ss. 7 (1), 9.
Hughes v. Architects' Registration Council of the United Kingdom, Divl.Ct. [1957] 3 W.L.R. 119.

Emergency legislation

Professional charges

Licence to expend £525 on building work—Additional work done without licence—Professional charges based on £525—Whether included in licensed amount—Defence (General) Regulations, 1939, reg. 56A.
Young v. Buckles, C.A. [1952] 1 K.B. 220; [1952] 1 T.L.R. 271; [1952] 1 All E.R. 354.

Negligence

Building contract

R.I.B.A. form—House "built down to a price"—Defects in materials and workmanship—Final certificate issued by architect—Liability of architect to building owner.
Cotton v. Wallis, C.A. [1955] 1 W.L.R. 1168.

ARMS

See COURT OF CHIVALRY; ECCLESIASTICAL LAW; NAME AND ARMS CLAUSE.

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ARREST. (*See also* FALSE IMPRISONMENT.)

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In re **Hunt,** Divl.Ct. [1959] 1 Q.B. 378; [1959] 2 W.L.R. 95. C.A. [1959] 2 W.L.R. 686.

ASSESSOR. *See* ADMIRALTY; CRIME (**Practice**).

ASSIGNMENT. (*See also* CONFLICT OF LAWS; COPYRIGHT; LANDLORD AND TENANT; TRADE MARK.)

Equitable

Building contract

Insolvency of main contractor—Retention money—Interest fiduciary as trustee for subcontractor—Voluntary liquidation of contractor—Effect.
In re **Tout & Finch Ld.,** Wynn-Parry J. [1954] 1 W.L.R. 178.

Consideration

Alterations and improvements carried out to a property—Subsequent agreement in writing purporting to be in consideration of work, provided for repayment out of trust estate—Consideration for agreement wholly past—Validity—Whether equitable assignment. *In re* **McArdle, decd.,** C.A. [1951] Ch. 669; [1951] 1 All E.R. 905.

Debt

Enforcement of debt—Building contract—Part of alleged debt—Whether assignor can recover all or part of debt in own right without joining assignee.
Walter & Sullivan Ld. v. J. Murphy & Sons Ld., C.A. [1955] 2 Q.B. 584; [1955] 2 W.L.R. 919.

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"Disposition" of equitable interest required to be in writing

Oral agreement to assign equitable interest—Whether disposer constructive trustee—Law of Property Act, 1925, s. 53 (1) (*c*), (2).

Oughtred v. Inland Revenue Commissioners, H.L.(E.) [1960] A.C. 206; [1959] 3 W.L.R. 898.

———————— Oral declaration by cestui que trust directing trustees to hold his interest on new trusts—Law of Property Act, 1925, s. 53 (1) (*c*).

Grey v. Inland Revenue Comrs., C.A. [1958] Ch. 690; [1958] 3 W.L.R. 45. H.L.(E.) [1960] A.C. 1; [1959] 3 W.L.R. 759.

Gift

Gift by letter of right to allotment of shares—Allotment within five years of donor's death—Whether gift completed by letter or by allotment.

Letts v. Inland Revenue Commissioners, Upjohn J. [1957] 1 W.L.R. 201.

Royalties

Equitable assignment for value—Bankruptcy of composer—Works composed before bankruptcy.

In re **Trytel.** *Ex parte* **Trustee of Property of Bankrupt,** Danckwerts J. [1952] W.N. 355; [1952] 2 T.L.R. 32.

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Debt. (*See also* EVIDENCE.)

Garnishee order—Prior assignment of debt—Direction and authority to garnishees to pay to third party all moneys owing by them to judgment debtors—No direct evidence of assignment—Law of Property Act, 1925, s. 136 (1).

Curran v. Newpark Cinemas Ltd., C.A. [1951] 1 All E.R. 295.

Notice to debtor—Date of assignment wrongly stated—Law of Property Act, 1925, s. 136 (1).

W. F. Harrison & Co. Ltd. v. Burke, C.A. [1956] 1 W.L.R. 419.

Option. *See* LANDLORD AND TENANT.

ASSIZES. *See* PRACTICE.

ATTACHMENT. *See* CONTEMPT OF COURT; HUSBAND AND WIFE (**Maintenance**); PRACTICE (**Garnishee**).

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AUDITOR

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AUSTRALIA

Appeal to Privy Council

Jurisdiction

Acquisition of land—Compensation—Constitution provided for just compensation—Powers under Act allegedly unjust—Constitutional validity—Inter se question—No certificate of High Court—Whether appeal competent—Lands Acquisition Act, 1906–36, ss. 28, 29 (1)—Commonwealth of Australia Constitution, 1900, ss. 51, 74.

Grace Bros. Pty. Ltd. v. Commonwealth of Australia, J.C. [1951] A.C. 53.

Acquisition of wheat—Compensation—Constitution provided for just compensation—Powers under Act allegedly unjust—Constitutional validity—*Inter se* question—No certificate of High Court—Whether appeal competent—National Security (Wheat Acquisition) Regulations, 1939, reg. 19—Commonwealth of Australia Constitution, 1900, ss. 51, 74.

Nelungaloo Pty. Ltd. v. Commonwealth of Australia, J.C. [1951] A.C. 34.

Federal and State laws governing same matter—Plea of inconsistency under section 109 of Commonwealth Constitution—Question not between powers but between laws made under powers—Not an inter se question—Appeal competent—Test of "inconsistency"—Paramount intention to legislate exhaustively or exclusively—Metropolitan and Export Abattoirs Act, 1936–1952 (S.A.), s. 52*a*—Commerce (Meat Export) Regulations (as amended to S.R. No. 36 of 1953) (Commonwealth)—Customs Act, 1901–1953, s. 270 (*c*) (Commonwealth)—Commonwealth of Australia Constitution, 1900 (63 & 64 Vict. c. 12), ss. 74, 109.

O'Sullivan v. Noarlunga Meat Ltd., J.C. [1957] A.C. 1; [1956] 3 W.L.R. 436.

No inter se point relied on—Commonwealth of Australia Constitution Act, 1900, s. 74.

Perpetual Executors Trustees & Agency Co. (W.A.) Ltd. v. Maslen, J.C. [1952] A.C. 215.

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Appeal to Privy Council (*Jurisdiction*)—*continued.*

Workmen's compensation—Decision of Supreme Court of New South Wales on case stated by Workers' Compensation Commission—Power to appeal—Workers' Compensation Act, 1926–47, of New South Wales, s. 37 (4).
Slazengers (Australia) Pty. Ltd. v. Burnett, J.C. [1951] A.C. 13.

Constitutional law. (*See also* **State Act.**)

Judicature

Union of arbitral and judicial functions in Court of Conciliation and Arbitration—Purported judicial powers ultra vires—Validity or invalidity not an inter se question—Appeal competent—Conciliation and Arbitration Act, 1904–1952 (No. 13 of 1904–No. 34 of 1952) (Commonwealth), ss. 29 (1) (*b*) (*c*), 29a—Commonwealth of Australia Constitution Act, 1900, ss. 51 (xxxix), 71–80.
Attorney-General for Australia v. The Queen, J.C. [1957] A.C. 288; [1957] 2 W.L.R. 607.

Currency

Contract

Government Debenture Stock issued in 1895—" Pounds sterling "—Option for repayment in London—Redemption in 1945—Proper law of contract—Whether " pounds " English or Australian. **Bonython v. Commonwealth of Australia,** J.C. [1951] A.C. 201.

Murder

Insanity

M'Naughten Rules—Irresistible impulse.
Attorney-General for South Australia v. Brown, J.C. [1960] A.C. 432; [1960] 2 W.L.R. 588.

New South Wales. (*See also* **State Act.**)

Banking

Claim in conversion on fraudulently obtained bank cheques.
Commercial Banking Co. of Sydney Ltd. v. Mann, J.C. [1961] A.C. 1; [1960] 3 W.L.R. 726.

Charity

Property devised to " Presbyterians the descendants of those settled in the Colony hailing " from or born in the North of Ireland "—In trust to establish " college for the " education . . . of their youth " in specified religious standards—Whether valid charitable devise. **Davies v. Perpetual Trustee Co. Ltd.,** J.C. [1959] 2 W.L.R. 673.

Religion—Charitable and non-charitable purposes—Trust for " Order of Nuns of the " Catholic Church or the Christian Brothers "—Non-charitable orders among " orders of nuns "—Gift an endowment to order selected—Orders perpetual in form—Failure of gift to a non-charitable order—Trust validated under statutory provision that no trust rendered invalid by inclusion of non-charitable purpose—Trust for provision of amenities in convents—Composite expression embracing both charitable and non-charitable purposes—Saved by same statutory provision—Conveyancng Act, 1919–1954 (N.S.W.), s. 37D. **Leahy v. Attorney-General (N.S.W.),** J.C. [1959] A.C. 457; [1959] 2 W.L.R. 722.

Compulsory purchase

Resumption of land—Closer settlement—For Purposes of War Service Land Settlement Act, 1941—Compensation—Value as at February 10, 1942—Construction of statute—Workability—Technical, but no practical difficulty—Closer Settlement (Amendment) Act, 1907 (N.S.W.), as amended, s. 4 (4) (*b*) (i) (ii).
Pye v. Minister for Lands for New South Wales, J.C. [1954] 1 W.L.R. 1410.

——————— During period of temporary sales control—Determination of compensation—Principles applicable—Evidence—Admissibility—Public Works Act, 1912 (N. S. W.), ss. 45 (3), 124—National Security (Economic Organization) Regulations (Commonwealth), reg. 6.
Minister for Public Works v. Thistlethwayte, J.C. [1954] A.C. 475; [1954] 3 W.L.R. 305.

Family provision

Facts to be considered as existing at date of testator's death, not as at hearing of application—Account to be taken of events which testator might reasonably be expected to foresee—Testator's Family Maintenance and Guardianship of Infants Act, 1916–54 (N.S.W.), s. 3 (1). **Dun v. Dun,** J.C. [1959] A.C. 272; [1959] 2 W.L.R. 554.

Fresh evidence—No. 30 of 1938, of N.S.W., s. 3 (1)—Equity Act, 1901, of N.S.W., s. 84.
Leeder v. Ellis, J.C. [1953] A.C. 52; [1952] 2 T.L.R. 577; [1952] 2 All E.R. 814.

Master and servant

Per quod servitium amisit, action—Police constable—Injury by accident—Crown's claim for loss of services—Action per quod servitium amisit not maintainable—Status of constable by statute and at common law—Holder of public office—Not ordinary servant and master relationship—Police Regulation Act, 1899–1947, of New South Wales.
Attorney-General for New South Wales v. Perpetual Trustee Co. Ld., J.C. [1955] A.C. 457; [1955] 2 W.L.R. 707.

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Perpetual Trustee Co. (Ltd.) v. Pacific Coal Co. Pty. Ltd., J.C. [1956] A.C. 165; [1956] 2 W.L.R. 105.

Practice

Pleading—Claim for money lent—Indebitatus assumpsit count—Plea of "never indebted"—Effect—Nature of onus on plaintiff—Banker and customer—Current account—"Peculiar incidents" of relationship—Rules made under Common Law Procedure Act, 1899 (N.S.W.), r. 65.

Bank of New South Wales v. Laing, J.C. [1954] A.C. 135; [1954] 2 W.L.R. 25.

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Exemption—Hospital (public)—Owner of adjoining unfenced physically unused vacant land—Intentional acquisition for purposes of hospital—Amenity advantages—Whether "used" for purposes of hospital—Statutory exemption from rates—Local Government Act, 1919 (N.S.W.), s. 132 (1) (*d*).

Newcastle City Council v. Royal Newcastle Hospital, J.C. [1959] A.C. 248; [1959] 2 W.L.R. 476.

Valuation of land—Unimproved value—Grant of Crown land—Restrictions and conditions—Whether to be taken into account in ascertaining unimproved value—"Fee simple" in Act absolute or "pure" title—Valuation of Land Act (No. 2), 1916–1951 (N.S.W.), ss. 5, 6—Land Tax Assessment Act, 1910–1950 (Federal), s. 3—Local Government Act, 1919–1954 (N.S.W.)—Australian Jockey Club Act, 1873 (N.S.W.), s. 3.

Gollan v. Randwick Municipal Council, J.C. [1961] A.C. 82; [1960] 3 W.L.R. 785.

Revenue

Death duty—Company shares—Basis of valuation—Discretion of commissioner—Subject to review by the court—Solicitor executor—Authorized by the will to be paid usual professional charges—"Gift"—Rate of duty—New South Wales Stamp Duties Act, 1920–40, ss. 124, 125, 127 (1) (*c*). **Commissioner of Stamp Duties of New South Wales v. Pearce,** J.C. [1954] A.C. 91; [1954] 2 W.L.R. 5.

——— Gift—Exclusion of donor—Gift of grazing property—Subsequent use of property by donor and donee under partnership agreement—Not "retained" by donee to the "entire exclusion" of donor—Dutiable estate of donor—Stamp Duties Act, 1920–56 (N.S.W.), s. 102 (2) (*d*).

Chick v. Commissioner of Stamp Duties, J.C. [1958] A.C. 435; [1958] 3 W.L.R. 93.

——— Settlement—Charitable trust—Application and administration of trust funds subject to settlor's approval during his life—Whether continuing trust or new trust on his death—Power to purchase settlor's property—Whether that property attracted duty—Stamp Duties Act, 1920–49 of N.S.W., s. 102 (2) (*a*) (*c*) (*d*).

Commissioner of Stamp Duties of New South Wales v. Way, J.C. [1952] A.C. 95; [1951] 2 T.L.R. 1239; [1952] 1 All E.R. 198.

——— Taxing section—Constitutional validity—Life tenant—Domiciled in New South Wales—"Limited interest" in property of testator—Personal property situated in part in and in part outside the State—Legislation having sufficient territorial connexion with the State—Valid under "peace, welfare and good government" powers—Not contrary to comity—Property within the State dutiable—Property outside not dutiable—Distributive provision of Act inoperative—Stamp Duties Act, 1920–1952 (New South Wales), ss. 102 (2) (*g*), (2A), 144—Constitution Act, 1902 New South Wales), s. 5. **Johnson v. Commissioner of Stamp Duties,** J.C. [1956] A.C. 331; [1956] 2 W.L.R. 454.

Estate duty—Gift—Reservation of benefit—Remuneration for managing trust property—Whether beneficial interest—Grazing property—Settlor and his children co-beneficiaries in equal shares—Children's shares used for their maintenance and education—New South Wales Stamp Duties Act, 1920–1940, s. 102 (2) (*d*)—Finance Act, 1940, s. 43 (2) (*a*).

Oakes v. Commissioner of Stamp Duties of New South Wales, J.C. [1954] A.C. 57; [1953] 3 W.L.R. 1127.

——— Gift inter vivos—Reservation of benefit—Death duty—Settlement—Possession and enjoyment of trust property not retained by beneficiary to entire exclusion of testator—Interest in income retained by testator—Duty payable on trust property—Stamp Duties Act, 1920–1940 (N.S.W.), s. 102 (2) (*d*).

Commissioner of Stamp Duties of New South Wales v. Permanent Trustee Co. of New South Wales, J.C. [1956] A.C. 512; [1956] 3 W.L.R. 152.

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New South Wales—*continued.*

Sale of goods

Tractor—Fitness for purpose—Whether particular purpose made known to seller—Reliance on seller's skill or judgment—Sale of Goods Act, 1923–1953 (N.S.W.), s. 19 (1).
Ashford Shire Council v. Dependable Motors Pty. Ltd., P.C. [1961] A.C. 336; [1960] 3 W.L.R. 999.

Workmen's compensation

Death from coronary occlusion while journeying to work—Not contracted in course of, or contributed to by, employment—Due solely to autogenous causes—Whether workman "received injury"—Workers' Compensation Act, 1926–47, of New South Wales, ss. 6 (1), 7 (1) (*a*) (*b*). **Slazengers (Australia) v. Burnett**, J.C. [1951] A.C. 13.

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Estate duty

Partnership assets—Deceased's share—Inclusion of interest in goodwill—"Personal property"—Liability to duty—Remission back—Assessment—Notice of objection—Reasons—Value of goodwill—Agreement on record—Effect—Commonwealth Estate Duty Assessment Act, 1914–42, s. 8 (3) (*b*), (4) (*e*). **Perpetual Executors and Trustees Association of Australia Ld. v. Commissioner of Taxes of the Commonwealth of Australia**, J.C. [1954] A.C. 114; 2 W.L.R. 171.

Income tax

Avoidance—Private company—Special dividend—Share transactions—"Arrangement" resulting in increase of capital of company and capital payment to shareholders—Purpose and effect of avoiding liability for tax—"Absolutely void" as against commissioner—Penalty—"Arrangement"—"Purpose"—"Effect"—"Avoid"—Income Tax and Social Services Contribution Assessment Act, 1936–1951 (Commonwealth), ss. 226 (2), 260. **Newton v. Commissioner of Taxation**, J.C. [1958] A.C. 450; [1958] 3 W.L.R. 195.

Trade profits—Wool realization scheme—Distribution of profits—Voluntary payments by government—Trade receipt of income nature—Liability to tax—National Security (Wool) Regulations, 1939 (S.R. 1939, No. 108)—Wool Realization (Distribution of Profits) Act, No. 87 of 1948, s. 7—Income Tax Assessment Act, 1936–49, s. 25.
Australian Commissioner of Taxation v. Squatting Investment Co. Ld., J.C. [1954] A.C. 182; [1954] 2 W.L.R. 186.

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Charterparty

Safe post—Nomination of unsafe post—Master acting reasonably—Damage to vessel—Charterer liable in damages. **Reardon Smith Line Ltd. v. Australian Wheat Board.** J.C. [1956] A.C. 266; [1956] 2 W.L.R. 403.

State Act

Validity

Industrial dispute—Long service leave—Whether State Act "inconsistent" with Commonwealth award—"Field" of long service leave not covered by award—No inconsistency—State Act valid—Factories and Shops (Long Service Leave) Act, 1953 (Victoria), ss. 7, 9—Conciliation and Arbitration Act, 1904–1952 (No. 13 of 1904–No. 34 of 1952) (Commonwealth), ss. 13, 25—Metal Trades Award, 1952—Commonwealth of Australia Constitution Act, 1900, s. 109.
Charles Marshall Pty. Ltd. v. Collins, J.C. [1957] A.C. 274; [1957] 2 W.L.R. 600.

Road traffic—Goods vehicle—Licence—Inter-State trade—To be "absolutely free"—Licensing provisions invalid—Stare decisis—State Transport (Co-ordination) Act, 1931–1951 (N.S.W.), ss. 12, 14, 17, 18, 19, 22, 37—Commonwealth of Australia Constitution Act, 1900 (63 & 64 Vict. c. 12), s. 92.
Hughes and Vale Proprietary Ld. v. State of New South Wales. J.C. [1955] A.C. 241; [1954] 3 W.L.R. 824.

———— Mileage charges imposed by Act—Invalid as interfering with freedom of inter-State trade—Charges unlawfully exacted—Act prohibiting recovery—Equally constitutionally invalid as impairing freedom of inter-State trade—State Transport (Co-ordination) Act, 1931–1951 (N.S.W.)—State Transport Co-ordination (Barring of Claims and Remedies) Act, No. 45 of 1954 (N.S.W.), ss. 3, 4, 5—Commonwealth of Australia Constitution Act, 1900 (63 & 64 Vict. c. 12), s. 92.
Motor Transport Commissioner v. Antill Ranger & Co. Pty. Ltd.
State of New South Wales v. Edmund T. Lennon Pty. Ltd., J.C. [1956] A.C. 527; [1956] 3 W.L.R. 499.

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Wool

Manufactured woollen goods for home market—Controlled prices—Subsidy scheme—Basis of scheme administrative not contractual—Provisions for refund of subsidy—Construction. **Australian Woollen Mills Ltd. v. Commonwealth of Australia**, J.C. [1956] 1 W.L.R. 11

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Victoria

Husband and wife

Divorce—Desertion—Constructive desertion—Inference from conduct—Proof of intention—Rebuttable—Intention from conduct not rebutted by co-existing desire that spouse should remain—Conflicting "intention" and "desire"—Marriage Act, No. 3726 of 1928 (Victoria), ss. 75, 77. **Lang v. Lang,** J.C. [1955] A.C. 402; [1954] 3 W.L.R. 762.

Workmen's compensation

Death from disease—While travelling to place of work—Sudden unexpected physiological change—Not associated with any external event or action of deceased—"Injury by accident arising out of or in the course of his employment"—Auricular fibrillation—Workers' Compensation Act, No. 3806 of 1928 (Victoria), as amended (including amendments by Act No. 5128 of 1946), ss. 3 (1), 5 (1) (5).
James Patrick & Co. Proprietary Ld. v. Sharpe, J.C. [1955] A.C. 1; [1954] 3 W.L.R. 539.

Western Australia

Contract

Construction—Government contract—Reference to regulations—Change of regulations—Railway—Grant of lands to contractor in prescribed statutory form—Reservation of "gold, silver and other precious metals"—Subsequent statutory reservation of petroleum under all land in State—Effect on pre- and post-Act grants—Land Regulations, 1882 and 1887 (W.A.). second scheds.—Western Australia Constitution Act, 1890, s. 4 (2)—Petroleum Act, No. 36 of 1936 (W.A.), ss. 9, 10.
Midland Railway Co. of Western Australia Ltd. v. State of Western Australia, J.C. [1956] 1 W.L.R. 1037.

Nature of sums paid

Wool disposals scheme—Wool Realization (Distribution of Profits) Act, No. 87 of 1948, ss. 4, 7, 9, 10, 11, 29.
Perpetual Executors Trustees & Agency Co. (W.A.) Ltd. v. Maslen, J.C. [1952] A.C. 215.

AUTHOR. (*See also* Passing Off.)

Assessment to income tax. *See* Revenue (**Income tax**).

Contract to publish article

Specific performance

Article to be written and printed under author's name—Stylistic and factual alterations by editor—Refusal by author to allow publication of revised article—Whether repudiation by author—Submission of alterations by author—Whether author entitled to specific performance. **Joseph v. National Magazine Co. Ltd.,** Harman J. [1959] Ch. 14; [1958] 3 W.L.R. 366.

BAILMENT. (*See also* Contract; Shipping.)

Bald bailment

Goods delivered by sellers under f.o.b. contract

Contract of affreightment made by buyers—Damage to goods during loading due to negligence of shipowners—Bill of lading not issued—Whether sellers party to contract of carriage.
Pyrene Co. Ld. v. Scindia Navigation Co. Ld., Devlin J. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005.

Stevedores

Possession in goods vested in stevedores by carrier for purpose of unloading—Whether stevedores entitled to benefit of contract between carrier and consignee.
Midland Silicones Ltd. v. Scruttons Ltd., Diplock J. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761.

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Deposit on container of goods

Whether deposit hiring charge. **Beecham Foods Ltd. v. North Supplies (Edmonton) Ltd.,** Vaisey J., L.R. 1 R.P. 262; [1959] 1 W.L.R. 643.

Mixed goods

Bailors tenants in common

Duty of bailee.
Gill & Duffus (Liverpool) Ld. v. Scruttons Ld., Glyn-Jones J. [1953] 1 W.L.R. 1407.

Railway

Luggage deposit

Luggage left in cloakroom—Exemption from liability for goods exceeding £5 unless value declared—Cloakroom official allowed removal of luggage without production of ticket—Value in excess of £5—Liability of Railway Executive.
Alexander v. Railway Executive, Devlin J. [1951] 2 K.B. 882; [1951] 2 T.L.R. 69; [1951] 2 All E.R. 442.

Sub-bailment. (*See also* **Bald bailment.**)

No property in sub-bailor

Whether sub-bailor retains possession.
United States of America v. Dollfus Mieg et Cie, S.A., H.L.(E.) [1952] A.C. 582; [1952] 1 T.L.R. 541; [1952] 1 All E.R. 572.

BAILMENT—*continued.*

Voluntary bailment

Theft of goods deposited

Liability of bailee. **Blount v. War Office,** Ormerod J. [1953] 1 W.L.R. 736.

Public house—Yard and garage adjoining—Motor-bicycle left in covered yard without charge—Removal by unauthorised person—Whether publican bailee.
Tinsley v. Dudley, C.A. [1951] 2 K.B. 18; [1951] 1 T.L.R. 315; [1951] 1 All E.R. 252.

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BANKING. (*See also* BILL OF EXCHANGE.)

Agricultural Credits Act

Charge under Act

Customer's account overdrawn—Charge under Act executed in favour of bank—Discharge of charge—Account still in debit—Merger—Agricultural Credits Act, 1928, s. 5 (1) (5).
Barclays Bank Ltd. v. Beck, C.A. [1952] 2 Q.B. 47; [1952] 1 T.L.R. 595; [1952] 1 All E.R. 549.

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Current account

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Bank of New South Wales v. Laing, J.C. [1954] A.C. 135; [1953] 2 W.L.R. 25.

Dissolution of bank

Effect. ***In re* Russian Commercial and Industrial Bank,** Wynn-Parry J. [1955] Ch. 148; [1955] 2 W.L.R. 62.

Gift of " my bank deposit at the M. Bank "

Whether applicable to savings certificates and bonds—Current account—Balance withdrawn during testator's last illness—Ademption.
In re **Heilbronner, decd.,** Roxburgh J. [1953] 1 W.L.R. 1254.

Mortgage

Charge to secure repayment to bank " on demand "—Foreclosure proceedings by bank within 12 years of demand but over 12 years after advance—Effect of covenant to repay—Limitation of action.
Lloyds Bank Ld. v. Margolis, Upjohn J. [1954] 1 W.L.R. 644.

Property in moneys paid in

Servant paying master's cheques to friend—Money received in exchange.
Reg. v. Davenport, C.C.A. [1954] 1 W.L.R. 569.

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War

Outbreak—Enemy customer—Unjust enrichment—Whether contract abrogated—Whether obligation to repay implied by law. **Arab Bank Ld. v. Barclays Bank (Dominion, Colonial and Overseas),** Parker J. [1952] W.N. 529; [1952] 2 T.L.R. 920; C.A. [1953] 2 Q.B. 527; [1953] 3 W.L.R. 67; [1953] 2 All E.R. 263; H.L.(E.) [1954] A.C. 495; [1954] 2 W.L.R. 1022.

Deposit account

Contract

Whether new contract whenever money paid in.
Hart v. Sangster, C.A. [1957] Ch. 329; [1957] 2 W.L.R. 812.

Duty to customer—Advice on investment—Liability to customer.
Woods v. Martins Bank Ltd., Salmon J. [1958] 1 W.L.R. 1018.

Garnishee summons

Term of contract between bank and depositor not complied with by depositor—Whether garnishee order available against deposit account.
Bagley v. Winsome, C.A. [1952] 2 Q.B. 236; [1952] 1 All E.R. 637.

Husband and wife

Guarantee by husband

Wife's housekeeping account—Payment by husband under guarantee—Right of reimbursement—Presumption of advancement.
Anson v. Anson, Pearson J. [1953] 1 Q.B. 636; [1953] 1 W.L.R. 573.

Joint account

Rights of spouses—No agreement as to mutual rights in account—Husband's payments into account far exceeded wife's—Withdrawals by husband to pay for investments—Closing of account—Divorce—Rights of wife to share in balance of account and investments. **Jones v. Maynard,** Vaisey J. [1951] Ch. 572; [1951] 1 T.L.R. 700; [1951] 1 All E.R. 802.

Rights of spouses during subsistence of marriage.
Gage v. King, Diplock J. [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460.

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Joint account

Joint obligation of bank. (*See also* **Stock.**)

Executors' account—Cheques forged by one executor—Payments by bank—Action against bank by innocent executor—Whether fraudulent executor necessary party to action—Whether action maintainable.
Brewer v. Westminster Bank Ltd., McNair J. [1952] W.N. 435; [1952] T.L.R. 568; [1952] 2 All E.R. 650.

Letter of credit

Banks, relationship of

Instructing and confirming bank—Whether relationship of principal and agent.
Bank Melli Iran v. Barclays Bank, McNair J. [1951] 2 T.L.R. 1057.

Right to stop

Contract for delivery by two instalments—Payment by letter of credit for each instalment—First instalment alleged to be defective—Repudiation of contract by plaintiff purchasers—Application for injunction " freezing " second letter of credit.
Hamzeh Malass & Sons v. British Imex Industries Ltd., C.A. [1958] 2 Q.B. 127; [1958] 2 W.L.R. 100.

Terms of payment

Credit payable on presentation of sight drafts accompanied by shipped bills of lading—Goods shipped under bills of lading containing clause excusing shipowners from correct delivery unless special conditions as to marking of goods complied with—Beneficiaries' right to payment on presentation of " clean " bills of lading.
British Imex Industries Ltd. v. Midland Bank Ltd., Salmon J. [1958] 1 Q.B. 542; [1958] 2 W.L.R. 103

Payment against documents—Irrevocable confirmed credit opened for " new trucks "—Documents described trucks as "new-good," " new, good " and " in new condition "—Whether payment authorised. **Bank Melli Iran v. Barclays Bank,** McNair J. [1951] 2 T.L.R. 1057.

Stock

Transfer

Bank of England stock—Transfers forged by trustee—Claim for restoration to register by surviving trustee—Estoppel—Negligence—Ratification—Limitation of action—Bank of England public authority—Transfers a nullity—Third party proceedings by bank against jobbers and stockbrokers who presented transfers—Claim for indemnity—Costs—Limitation Act, 1939, ss. 2, 21—Finance Act, 1942, s. 47—Government Stock Regulations, 1943, reg. 2. **Welch v. Bank of England,** Harman J. [1955] Ch. 508; [1955] 2 W.L.R. 757.

Trustee savings bank. *See* TRUSTEE SAVINGS BANK.

BANKRUPTCY

Act of

Intent to defeat creditors

Remaining out of England—Payment to other creditors—Bankruptcy Act, 1914, s. 1 (1) (*c*) and (*d*). *In re* **A Debtor (No. 360 of 1951).** *Ex parte* **the Debtor v. National Provincial Bank Ltd.,** C.A. [1952] W.N. 92; [1952] 1 All E.R. 519n.

Judgment unsatisfied

" Cross demand "—Pending proceedings in Divorce Division under section 17 of Married Women's Property Act, 1882, by debtor against wife—Subsequently, judgment obtained by wife against debtor in other proceedings—Application by debtor to have notice set aside—Whether claim under section 17 of the Act of 1882 a " cross demand "—Bankruptcy Act, 1914, s. 1 (1) (*g*).
In re **A Debtor, No. 80 of 1957,** C.A. [1958] Ch. 81; [1957] 3 W.L R. 184.

Water rate—Judgment obtained in court of summary jurisdiction—In default sum to be levied by distress—Final judgment—Bankruptcy notice validly issued in respect of judgment debt—Summary Jurisdiction Act, 1879, ss. 6, 35—Bankruptcy Act, 1914, s. 1 (1) (*g*).
In re **A Debtor, No. 48 of 1952.** *Ex parte* **Ampthill Rural District Council v. The Debtor,** C.A. [1953] Ch. 335; [1953] 2 W.L.R. 444.

Appeal from Bankruptcy Court

Certificate of misfortune

Refusal—Whether appeal against refusal to be inter partes—Bankruptcy Act, 1883, s. 32 (2) (*b*)—Bankruptcy Act, 1914, s. 26 (4).
In re **Joyce.** *Ex parte* **Joyce,** C.A. [1955] 1 W.L.R. 800.

Appeal from receiving order

Extension of time

Non-compliance with rules—Mistake—Whether " good cause "—Bankruptcy Act, 1914 s. 108 (2) (*c*)—Bankruptcy Rules, 1952, rr. 130, 389.
In re **A Debtor (No. 36 of 1952).** *Ex parte* **The Debtor v. Richardson,** Divl.Ct. [1953] Ch. 144; [1953] 2 W.L.R. 561.

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Appeal from rejection of proof

Extension of time

Application to registrar ex parte out of time—Dismissal by registrar of motion by trustee to set aside order extending time for appeal—Right of trustee to have order set aside—Discretion of registrar to extend time for good cause shown—Whether established practice should be altered by judicial direction—Bankruptcy Act, 1914, ss. 102, 109 (4), 147 (1)—Bankruptcy Rules, 1952, rr. 4 (1), 8 (1) (*g*) (2), 9, 31, 32, 261, 389.
In re **Vanbergen (a bankrupt).** *Ex parte* **The Trustee v. Vanbergen,** C.A. [1955] 1 W.L.R. 20.

Bankruptcy notice. (*See also* **Petition.**)

Application to set aside

Grounds—Whether limited to "counterclaim, set-off or cross-demand"—Time for application—Application not within three days allowed by rule 138—Application on ground of satisfaction—Whether rule confined to "counterclaim, set-off or cross-demand"—Bankruptcy Rules, 1952, rr. 31, 137, 138, 139—Bankruptcy Act, 1914, s. 1 (1) (*g*).
Divl.Ct. [1957] Ch. 381; [1957] 2 W.L.R. 865.

Validity

Creditor resident outside "scheduled territories"—Debtor resident in United Kingdom—Rule of court prescribing payment of debt into court—Payment into court not made—Bankruptcy notice—Exchange Control Act, 1947, ss. 5, 33, Sched. IV, para. 3—Rules of the Supreme Court, Ord. 42, r. 1 (2)—Exchange Control (Bankruptcy Notices) Order, 1949. *In re* **A Debtor.** *Ex parte* **The Debtor v. Liguori,** C.A. [1951] Ch. 95.

Inaccurate copy of notice served on debtor—Wrong county court hearing—Bankruptcy Act, 1914, s. 147 (1).
In re **A Debtor, No. 21 of 1950.** *Ex parte* **The Debtor v. Bowmaker, Ltd.,** Divl.Ct. [1951] Ch. 313; [1951] 1 T.L.R. 174; [1950] 2 All E.R. 1129.

Proceedings by company in liquidation—Form of notice.
In re **A Debtor (No. 41 of 1951).** *Ex parte* **The Debtor v. Hunter,** Divl.Ct. [1952] Ch. 192; [1952] 1 T.L.R. 53; [1952] 1 All E.R. 107.

Bankruptcy Rules

Validity

Creditors' resolution that debtor be not adjudged bankrupt — Application by official receiver for adjudication—Jurisdiction of court—Enactment that rules "in force . . . "continue in force . . . and . . . have effect as if made under this Act"—Subsequent new rule in identical terms—Bankruptcy Act, 1914, ss. 18 (1), 132, 168 (3)—Bankruptcy Rules, 1952, r. 219. *In re* **Fletcher, A Debtor.** *Ex parte* **Fletcher v. Official Receiver,** C.A. [1956] Ch. 28; [1955] 3 W.L.R. 172.

Company

Bankruptcy of shareholder. See COMPANY; **Trustee in bankruptcy.**

Costs. (*See also* **Execution.**)

Taxation

County court—Adjudication on debtor's petition—Non-summary case—Assets certified likely to realize less than £200—Items and amounts allowable—Bankruptcy Rules, 1952, rr. 100 (1), 114 (1); Appendix II, Parts I, IV. *In re* **Porter (C. E.) a Bankrupt.** *Ex parte* **Board of Trade v. Ollard, Ollard & Sessions,** Danckwerts J. [1954] 1 W.L.R. 1133.

County court

Transfer of proceedings to High Court

Application of petitioning creditor for transfer—Object of application to secure benefit of legal aid—Effect of legal aid certificate in favour of person not entitled to sue—Discretion of court—Bankruptcy Rules, 1952, r. 21.
In re **Crossley, A Debtor,** Upjohn J. [1954] 1 W.L.R. 1353.

Application to transfer motion in bankruptcy—Bankruptcy Act, 1914, ss. 100, 122—Bankruptcy Rules, 1952, rr. 21, 26, 27.
In re **Kouyoumdjian.** *Ex parte* **The Trustee v. Lord,** Upjohn J. [1956] 1 W.L.R. 558.

Debt

Attachment

Order for debt due from Crown to be paid to creditor's solicitors and held by them for six months—Undertaking by solicitors pursuant to order—Whether "attachment ". . . completed . . . receipt of the debt"—Husband and wife—Loans by wife for husband's business—Judgment for wife—Whether character of transaction altered so as to enable wife to prove in competition with other creditors—Bankruptcy Act, 1914, ss. 36 (2), 40 (1) (2)—Crown Proceedings Act, 1947, s. 27 (1). *In re* **Lupkovics.** *Ex parte* **The Trustee v. Freville,** Upjohn J. [1954] 1 W.L.R. 1234.

Proof of debt

Application to expunge proof—Commission agent's proof of debt for money due on taking accounts—Debtor and creditor dead—Whether debtor's statement of affairs admissible against trustees of creditor's estate—Whether gaming debt—Burden of proof—Bankruptcy Act, 1914, s. 141, Sch. II, r. 24.
In re **Browne (A Bankrupt),** Cross J. [1960] 1 W.L.R. 692.

BANKRUPTCY—*continued.*

Debt (*Proof of debt*)—*continued.*

Money advanced for purpose of bankrupt's business—Knowledge of intended use—Validity of proof. *In re* **Meade.** *Ex parte* **Humber v. Palmer,** Divl.Ct. [1951] Ch. 774; [1951] 2 T.L.R. 111; [1951] 2 All E.R. 168.

Execution

Costs

Sheriff—Execution on goods after receiving order—Goods returned—Costs of execution—Sale of Goods Act, 1893, s. 26—Bankruptcy Act, 1914, ss. 40, 41.
In re **Cooper (A Bankrupt),** Ch.D. [1958] Ch. 922; [1958] 3 W.L.R. 468.

Executor

Insolvent estate

Administration in bankruptcy—Gifts made by deceased prior to death—Effect of Bankruptcy Act, 1914, s. 42, on Law of Property Act, 1925, s. 172.
In re **Eichholz, decd.,** Harman J. [1959] Ch. 708; [1959] 2 W.L.R. 200.

Petition for administration—Bankruptcy Act, 1914, s. 130 (9).
In re **Bradley, decd.,** Upjohn J. [1956] Ch. 615; [1956] 3 W.L.R. 610.

Judgment creditor

No notice of act of bankruptcy—Completion of execution by seizure and sale before making of receiving order—Trustee claimed proceeds of sale—Bankruptcy Act, 1914, ss. 37, 38, 40.
In re **Love (J. W.)**; *Ex parte* **The Official Receiver v. Kingston-on-Thames County Court Registrar,** Danckwerts J. [1951] Ch. 952; [1951] 2 T.L.R. 183; [1951] 2 All E.R. 321.
C.A. [1952] Ch. 138; [1951] 2 T.L.R. 1207; [1951] 2 All E.R. 1016.

Extortion

Costs wrongly demanded

Bankruptcy petition dismissed—Judgment summons based on same debt—Jurisdiction to make order—Debtors Act, 1869, s. 5—Bankruptcy Act, 1914, s. 107 (4).
In re **A Judgment Summons (No. 25 of 1952).** *Ex parte* **Henleys Ld.,** C.A. [1953] Ch. 1 & 195; [1953] 2 W.L.R. 315.

Writ issued—Costs offered by debtor—Judgment debt—Demand for offered costs—Whether subsequent bankruptcy petition tainted.
In re **Majory, A Debtor.** *Ex parte* **The Debtor v. F. A. Dumont Ld.,** C.A. [1955] Ch. 600; [1955] 2 W.L.R. 1035.

Fraudulent preference

Intention

Misappropriation of building society's moneys by its solicitor—Misappropriation unknown to society—Society paid in full to assist third party—Inferences from facts—Bankruptcy Act, 1914, s. 44 (1) (as amended).
In re **Cutts (A Bankrupt).** *Ex parte* **Bognor Mutual Building Society v. Trustee of T. W. Cutts,** C.A. [1956] 1 W.L.R. 728.

Hearing in camera

Court of Appeal

Application for private examination of witness—Interests of justice—Bankruptcy Act, 1914, s. 25. *In re* **Green (A Bankrupt).** *Ex parte* **The Trustee,** C.A. [1958] 1 W.L.R. 405.

Income. *See* **Salary.**

Inquiry as to debtor's dealings

Summons against solicitor

Proceedings under R.S.C., Ord. 52, r. 25, for an account against bankrupt's former solicitor and attorney—Failure by solicitor to furnish information concerning certain property transactions—No order made in the proceedings—Subsequent issue of summons by trustee under Bankruptcy Act, 1914—Whether matter res judicata—Bankruptcy Act, 1914, s. 25.
In re **A Debtor (No. 472 of 1950).** *Ex parte* **Swirsky,** C.A. [1958] 1 W.L.R. 283.

Judgment summons

Leave to issue

Application for leave to issue in High Court—Affidavit showing cause why summons should not issue in county court.
Practice Direction (Bankruptcy), Ch.D. [1956] 1 W.L.R. 973.

Legal aid. *See* LEGAL AID.

Limitation of action. *See* LIMITATION OF ACTION.

Petition

Debt

Requirements—At date of act of bankruptcy debt of damages and untaxed costs—Costs subsequently taxed—Whether good petitioning debt—Validity of bankruptcy notice—Bankruptcy Act, 1914, ss. 2 (ii), 4 (1), 5 (2). *In re* **A Debtor.** *Ex parte* **The Debtor v. Scott,** Divl.Ct. [1954] 1 W.L.R. 393; C.A. [1954] 1 W.L.R. 1190.

BANKRUPTCY—*continued.*

Petition—*continued.*

Time for presenting

Bankruptcy notice—Extension of time for complying with notice—Duty of registrar—Validity of notice—Bankruptcy Act, 1914, s. 4 (1) (*c*)—Bankruptcy Rules, 1915, r. 141.
In re **A Debtor, No. 10 of 1953.** *Ex parte* **The Debtor v. Ampthill Rural District Council,** Divl.Ct. (Bkcy.) [1953] 1 W.L.R. 1050.

" Possession, order or disposition "

Registered mortgage of chattels

Chattels Transfer Ordinance (Laws of Kenya, 1948, c. 281), s. 13 (2). **Dyal Singh v. Kenyan Insurance Ld.,** J.C. [1954] A.C. 287; [1954] 2 W.L.R. 607.

Preferential debts

Income tax

Crown's priority for " taxes . . . assessed . . . up to April 5 next before the date " of the receiving order . . . not exceeding . . . one year's assessment "—Construction—Whether Crown entitled to select any year—Bankruptcy Act, 1914, s. 33 (1) (*a*).
In re **Pratt.** *Ex parte* **Inland Revenue Comrs. v. Phillips,** C.A. [1951] Ch. 225; 66 T.L.R. (Pt. 2) 847; [1950] 2 All E.R. 994.

Water rate

Whether payable in priority to other debts—Bankruptcy Act, 1914, s. 33 (1) (*a*).
In re **Baker, a Bankrupt.** *Ex parte* **Eastbourne Waterworks Co. v. Official Receiver,** Danckwerts J. [1954] 1 W.L.R. 1144.

Public examination of debtor

Adjournment

Adjournment generally with liberty to restore—Whether adjournment ultra vires—Power to adjourn " from time to time "—Meaning—Bankruptcy Act, 1914, ss. 15 (3), 18 (1). 109 (2)—Bankruptcy Rules, 1952, r. 192.
In re **Von Dembinska,** C.A. [1954] 1 W.L.R. 748.

Receiving order

Payment of debt relied on

Application for withdrawal of original petition on debt being paid—Proceedings adjourned to ascertain position of other creditors—Receiving order made without substitution of another petitioner—Validity—Bankruptcy Act, 1914, s. 111.
In re **Mann, A Debtor.** *Ex parte* **The Debtor v. Harrods Ltd.,** Divl.Ct. [1958] 1 W.L.R. 1272.

Property passing to trustee

Matrimonial home. See Husband and Wife.

Payment by bank

Cheque received by borough council for general rate—Drawer's bankruptcy later same day—Cheque subsequently honoured by drawer's bank—Whether property of trustee in bankruptcy—Bankruptcy Act, 1914, ss. 45, 47 (1).
In re **Hone.** *Ex parte* **The Trustee v. Kensington Borough Council,** Harman J. [1951] Ch. 85; 66 T.L.R. (Pt. 2) 350; [1950] 2 All E.R. 716.

Salary or income

Husband and wife—Maintenance—Maintenance payments " income " of the bankrupt—Payable to bankrupt although vesting in trustee—Application to court required for payment to trustee—Bankruptcy Act, 1914, s. 51 (2).
In re **Tennant's Application,** Upjohn J. [1956] 1 W.L.R. 128: C.A. [1956] 1 W.L.R. 874.

Sequestration

Husband and wife—Order for alimony—Writ of sequestration issued in respect of husband's failure to pay—Subsequent bankruptcy of husband—Summons by trustee in bankruptcy to discharge writ—Husband in contempt of court at hearing of summons—No cause for discharge of writ—Bankruptcy Act, 1914, s. 37 (1).
Coles v. Coles, Collingwood J. [1957] P. 68; [1956] 3 W.L.R. 861.

Trust, property held in, by bankrupt

Solicitor's client account—Bankruptcy Act, 1914, ss. 18, 38 (1)—Trustee Act, 1925, s. 41 (1)—Solicitors Act, 1933, ss. 1, 8 (1)—Solicitors Act, 1941, Sch. 1, para. 5—Solicitors' Accounts Rules, 1945, rr. 2 (1), 3, 4.
In re **A Solicitor,** Roxburgh J. [1952] Ch. 328; [1952] 1 All E.R. 133.

Set off

Landlord and tenant

Rent restriction—Payment of rent in excess of standard rent—Recovery of excess by deduction from rent—Bankruptcy of landlord—Claim by trustee to recover subsequent rent in full—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 14 (1).
Bradley-Hole v. Cusen, C.A. [1953] Q.B. 300; [1953] 2 W.L.R. 193.

Mutual dealings

Sale of goods on credit by debtor to purchaser—Guarantee by purchaser of debtor's overdraft secured by deposit of title deeds—Debt due to debtor from purchaser—Receiving order made against purchaser—Discharge by purchaser's trustee of overdraft to obtain

BANKRUPTCY—*continued.*

Set off (*Mutual dealings*)—*continued.*

release of title deeds—Judgment for trustee against debtor to recover amount paid to bank—Receiving order against debtor on petition of trustee—Claim for set off by debtor—Whether mutual dealings—Bankruptcy Act, 1914, s. 31.

In re **A Debtor (No. 66 of 1955).** *Ex parte* **The Debtor v. The Trustee of the Property of Waite (A Bankrupt),** Divl.Ct. [1956] 1 W.L.R. 480; C.A. [1956] 1 W.L.R. 1226.

Receiving order set aside

Petitioning creditors ordered to pay costs—Amount of debt greater than that of costs—Notice of intended execution by debtor to recover costs—Intimation by creditors of intention to present fresh petition—Application by creditors for stay of execution of order to pay costs—R.S.C., Ord. 65, r. 14.

In re **A Debtor, No. 21 of 1950 (No. 2).** *Ex parte* **The Petitioning Creditors v. The Debtor,** Divl.Ct. [1951] Ch. 612; [1951] 1 All E.R. 600.

Stay of pending proceedings

Bankruptcy of defendant

Whether stay automatic—Bankruptcy Act, 1914, s. 9 (1).

Realisations Industrielles et Commerciales S.A. v. Loescher and Partners, Lynskey J. [1957] 1 W.L.R. 1026.

C.A. [1952] Ch. 138; [1951] 2 T.L.R. 1207; [1951] 2 All E.R. 1016.

Trustee in bankruptcy. (*See also* **Property passing.**)

Claim by

Quasi-contractual nature—Writ—Service out of jurisdiction—Transfer of assets by bankrupt two months before act of bankruptcy—Claim against transferees by trustee in bankruptcy—Claim quasi-contractual—Bankruptcy Act, 1914—R.S.C., Ord. 11, r. 1 (*e*).

Rousou's (a Bankrupt) Trustee v. Rousou, Danckwerts J. [1955] 1 W.L.R. 545.

Presentation of petition to wind up company

Refusal by company to register trustee as holder of bankrupt's shares—Locus standi of trustee to present petition.

In re **H. L. Bolton Engineering Co. Ltd.,** Wynn-Parry J. [1956] Ch. 577; [1956] 2 W.L.R. 844.

BARBADOS. (*See also* WEST INDIES.)

Marriage

Validity

Statutory requirements—Barbados—Failure to comply literally with statutory requirements—Substantial compliance—Presumption of validity—Rebuttable only by decisive evidence—(Barbados) Marriage Act, 1904–1909, s. 2.

Hill v. Hill, J.C. [1959] 1 W.L.R. 127.

Revenue

Estate duty

Barbados Estate and Succession Duties Act, 1941, ss. 3 (*a*), 7 (*a*).

Commissioner of Estate and Succession Duties (Barbados) v. Bowring, J.C. [1960] 3 W.L.R. 741.

BARRISTER

Argument. *See* PRACTICE.

Authority to bind client

Pleading

General denial effecting forfeiture of lease—No disregard of specific instructions—"Mistake"—Effect of forgetfulness binding on client.

Warner v. Sampson, Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212.

Chancery Division

Common law counsel

Desirability of briefing Chancery practitioners.

Goody v. Baring, Danckwerts J. [1956] 1 W.L.R. 448.

Conduct in court

Assistance to court

Continual bickering between counsel—Duty to ask court for directions on procedure.

Beevis v. Dawson, C.A. [1957] 1 Q.B. 195; [1956] 3 W.L.R. 1016.

Contempt of court

Absence of counsel

Discourtesy—Not contempt of court.

Izuora v. The Queen, J.C. [1953] A.C. 327; [1953] 2 W.L.R. 700.

Discipline

Bar Council

Whether complaint to Council absolutely privileged.

Lincoln v. Daniel, Salmon J. [1960] 1 W.L.R. 852.

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Expenses

Deductible for tax, whether

Travelling between home and chambers.
Newsom v. Robertson, C.A. [1953] Ch. 7; [1952] 2 T.L.R. 636; [1952] 2 All E.R. 728.

Fees. (*See also* LEGAL AID (**Costs:** *Taxation*).)

Bankruptcy

High Court—Judgment summons. **Practice Direction,** Q.B.D. [1953] 1 W.L.R. 1189.

Brief fee

Contempt—Respondents guilty of contempt—Applicant's costs as between solicitor and client to be on indemnity basis.
Morgan v. Carmarthen Corporation, Danckwerts J. [1957] 2 W.L.R. 396; C.A. [1957] Ch. 455; [1957] 2 W.L.R. 869.

Hearings frequently adjourned—Trustee's right to indemnity.
In re **Grimthorpe, decd.,** Danckwerts J. [1958] 1 W.L.R. 381.

Compromise

Delivery of briefs.
In re **Holberton's Settlement Trusts,** Danckwerts J. [1953] 1 W.L.R. 1080.

House of Lords

Party and party costs—Refresher fees.
Practice Direction, H.L.(E.) [1959] 1 W.L.R. 249.

Leading counsel

Compromise of action—Registrar proceeding on wrong basis of fact—Exercise of discretion by judge.
In re **Bond, decd.,** C.A. [1952] W.N. 534; [1952] 2 T.L.R. 880.

Issue of quantum of damages only—Disallowance of costs of leading counsel—Objection to taxation—Taxing master's discretion—R.S.C., Ord. 65, r. 27 (41).
Gorfin v. Odhams Press Ltd., C.A. [1958] 1 W.L.R. 314.

Matrimonial causes

Interlocutory work. **Practice Note,** Probate [1958] 1 W.L.R. 492.

Refresher

Five-hour rule—Inapplicability to solicitor and own client taxation—R.S.C., Ord. 65, r. 27, reg. 48.
In re **Mercury Model Aircraft Supplies Ltd.,** Roxburgh J. [1956] 1 W.L.R. 1153.

Privy Council. **Practice Direction,** J.C. [1959] 1 W.L.R. 350.

Time spent in negotiating settlement in judge's room and in precincts of court—R.S.C., Ord. 65, r. 27 (48). **Lawson v. Tiger,** Vaisey J. [1953] 1 W.L.R. 503.

Settlement of action

Items disallowed by taxing master—Consultation with leading and junior counsel—Conference with junior counsel before accepting offer of settlement.
Warman v. Barclays Bank Ld., Harman J. [1954] 1 W.L.R. 191.

Summons for review of taxation

Summons in assisted party's name—Jurisdiction to consider summons—Power to order taxation of costs of summons—Legal Aid and Advice Act, 1949, s. 3 (4)—Legal Aid (General) Regulations, 1950 (as amended), regs. 18 (3) (*b*).
Rolph v. Marston Valley Brick Co. Ltd., Devlin J. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929.
Sutton v. Sears, McNair J. [1960] 2 Q.B. 97; [1959] 3 W.L.R. 791.

Private audience with judge

Case in open court

Matrimonial case—Right to be sparingly exercised.
Schlesinger v. Schlesinger, C.A. [1959] 1 W.L.R. 92.

Professional misconduct

Misleading court

Failing to disclose earlier judgment.
Bhandari v. Advocates Committee, J.C. [1956] 1 W.L.R. 1442.

Prosecuting counsel

Indictment

Responsibility for correctness of indictment. **Rex v. Pople,** C.C.A. [1951] 1 K.B. 53.

Witness from prison

Duty to disclose

Witness brought to court by prison warder not in uniform—Fact of imprisonment of witness unknown to judge and defendants.
Tombling v. Universal Bulb Co. Ltd., C.A. [1951] W.N. 247; [1951] 2 T.L.R. 289.

BASTARDY. (*See also* INFANT; LEGITIMACY.)

" Access "

Absence of personal contact

Evidence Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 11), s. 112.
Kanapathipillai v. Parpathy, J.C. [1956] A.C. 580; [1956] 3 W.L.R. 584.

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Certiorari

Fraud, affiliation order procured by

Perjury by witness called by respondent—Whether certiorari will lie.
Regina v. Ashford, Kent, Justices. *Ex parte* **Richley (No. 2),** C.A. [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778.

Corroboration

Handwriting

Alleged letter from defendant to complainant—No evidence of defendant's handwriting other than that of complainant—Whether statute satisfied—Bastardy Laws Amendment Act, 1872, s. 4. **Jeffery v. Johnson,** C.A. [1952] 2 Q.B. 8; [1952] 1 T.L.R. 473; [1952] 1 All E.R. 450.

Opportunity

Evidence given in support of complainant's evidence—Mere evidence of opportunity—No evidence given by defendant—Whether defendant's silence can amount to corroboration—Whether statute satisfied—Affiliation Proceedings Act, 1957, s. 4 (2).
Cracknell v. Smith, Divl.Ct. [1960] 1 W.L.R. 1239.

Jurisdiction

Mother domiciled abroad

Bastardy Laws Amendment Act, 1872—Maintenance Orders Act, 1950, s. 27 (2).
Reg. v. Wilson. *Ex parte* **Pereira,** Divl.Ct. [1953] 1 Q.B. 59; [1952] 2 T.L.R. 594; [1952] 2 All E.R. 706.

Child born abroad—Jurisdiction of justices—Power to make order—Bastardy Laws Amendment Act, 1872, ss. 3, 4.
O'Dea v. Tetau, Divl.Ct. [1951] 1 K.B. 184; 66 T.L.R. (Pt. 2) 339; [1950] 2 All E.R. 695.

National assistance

Application by National Assistance Board for order against putative father

Mother of illegitimate child married to putative father after birth of child—Child not legitimated by marriage of parents—Mother of child not a single woman quoad putative father—Right of board to order—National Assistance Act, 1948, s. 44 (2)—Bastardy Laws Amendment Act, 1872, s. 3.
National Assistance Board v. Tugby, Divl.Ct. [1957] 1 Q.B. 506; [1957] 2 W.L.R. 316.

No payments by putative father with reference to children within one year of their birth—Right to board to order—National Assistance Act, 1948, s. 44 (2)—Bastardy Laws Amendment Act, 1872, s. 3.
National Assistance Board v. Mitchell, Divl.Ct. [1956] 1 Q.B. 53; [1955] 3 W.L.R. 591.

Order by consent on payment of lump sum by defendant—Without weekly payments—Subsequent application by National Assistance Board against defendant—Whether previous adjudication "affiliation order"—Whether "in force"—National Assistance Act, 1948, s. 44 (2).
Oldfield v. National Assistance Board, Divl.Ct. [1960] 2 W.L.R. 423.

"Single woman"

Married mother's application against putative father

Mother married after birth of bastard child—Husband not liable to maintain wife's bastard child—Whether power to grant affiliation order—Bastardy Laws Amendment Act, 1872, s. 3—Poor Law Amendment Act, 1930, s. 14 (3)—National Assistance Act, 1948, ss. 1, 42, Sch. 7.
Taylor v. Parry, Divl.Ct. [1951] 2 K.B. 442; [1951] 1 T.L.R. 509; [1951] 1 All E.R. 355.

Wife's application against husband

Child born during previous marriage—Whether wife a "single woman"—Bastardy Laws Amendment Act, 1872, s. 3. **Mooney v. Mooney,** Divl.Ct. [1953] 1 Q.B. 38; [1952] 2 T.L.R. 711; [1952] 2 All E.R. 812.

Child born during previous marriage—Wife living apart from husband—Separation order containing non-cohabitation clause—Whether wife a "single woman"—Bastardy Laws Amendment Act, 1872, s. 3.
Kruhlak v. Kruhlak, Divl.Ct. [1958] 2 Q.B. 32; [1958] 2 W.L.R. 131.

United States soldier. *See* MILITARY LAW (**Immunity from arrest**).

BASUTOLAND

Criminal Law

Murder

Accessory after the fact—Ritual murder—Headman—Requirements of Roman-Dutch law—"Association" with principal offence—Impassive conduct which assists principal offender to escape—Native Administration Proclamation (Laws of Basutoland, 1949, c. 54), ss. 6 (3), 14.
Majara v. The Queen, J.C. [1954] A.C. 235; [1954] 2 W.L.R. 771.

Erroneous belief of accused that blows caused death—Whether mens rea in respect of their subsequent acts which in fact caused death—Preconceived plot to kill—One inseparable transaction. **Thabo Meli v. The Queen,** J.C. [1954] 1 W.L.R. 228.

BETTING. *See* Gaming.

BERMUDA

Criminal law

Escape from "lawful custody"

Aiding—United States bases agreement—Arrest and confinement of United States sailor outside leased area—Release by Bermuda civilian—Whether sailor in "lawful custody"—Criminal Code (Bermuda), s. 111—United States Bases (Agreement) Act, 1952, s. 9 (1). **Hans v. The Queen,** J.C. [1955] A.C. 378; [1955] 2 W.L.R. 700.

BICYCLE. *See* Road Traffic **(Drunk in charge of carriage)**

BILL OF EXCHANGE

Cheque

Conversion

Bank draft — Drawn on partnership account — Fraud by partner — Claim in conversion by other partner against paying bank — Drafts obtained in fraud of, and without authority of, claimant partner—Never his property—Action not maintainable—Whether ratification.
Commercial Banking Co. of Sydney Ltd. v. Mann, J.C. [1961] A.C. 1; [1960] 3 W.L.R. 726.

Partnership cheques appropriated by one partner, indorsed and paid by third person into his banking account—Whether bank holder in due course—Manager's failure to make sufficient inquiries—Negligence—Bills of Exchange Act, 1882, ss. 29 (1) (*b*), 30 (2), 82. **Baker v. Barclays Bank Ld.,** Devlin J. [1955] 1 W.L.R. 822.

Crossed

Crossed warrant—"Pay A (for B)"—Credit of A's personal account by bank—Whether B entitled to sue in conversion—"True owner"—Estoppel by representation—Standard of care—Necessity for inquiries—Bills of Exchange Act, 1882, s. 82.
Bute (Marquess) v. Barclays Bank Ld., McNair J. [1955] 1 Q.B. 202; [1954] 3 W.L.R. 741.

Form

Document requested—"Pay cash or order"—Whether bill of exchange—Whether holder entitled to sue drawer—Bills of Exchange Act, 1882, ss. 3 (1), 7 (1).
Cole v. Milsome, Lloyd-Jacob J. [1951] W.N. 49; [1951] 1 All E.R. 311.

Payment

Proof

Parole evidence—Whether admissible—Bills of Exchange Act, 1882, s. 100.
Sutherland v. Nicol, H.L.(Sc.) [1951] W.N. 110; 1951 S.C.(H.L.) 21.

Promissory note

Validity

Bank claiming as holders in due course—Note dishonoured—Indorsement of note deviating from mandate on its face—Omission of word "company"—Note not "complete and regular on its face"—Pleading—Irregularity not pleaded in defence—Defendant restricted to defences pleaded—R.S.C., Ord. 21, r. 2—Bills of Exchange Act, 1882, s. 29.
Arab Bank Ltd. v. Ross, C.A. [1952] 2 Q.B. 216; [1952] 1 T.L.R. 811; [1952] 1 All E.R. 709.

BILL OF LADING

See Shipping.

BILL OF SALE

Hire-purchase agreement

Nature of transaction

Motor-car purchased by hirer—Money borrowed by hirer from finance company on security of car—Hire-purchase documents purporting to sell car to finance company and by company to let on hire-purchase to seller—Bills of Sale Act (1878) Amendment Act, 1882, ss. 3 and 8. **Polsky v. S. and A. Services Ltd.,** Lord Goddard C.J. [1951] W.N. 136; [1951] 1 All E.R. 185.
C.A. [1951] W.N. 256; [1951] 1 All E.R. 1062.

BOARDING HOUSE

Hospital hostel

Resident house physician

Claim against hospital for loss by theft of personal effects—Whether relation of parties that of boarding-house keeper and boarder or master and servant.
Edwards v. West Herts Group Hospital Management Committee, C.A. [1957] 1 W.L.R. 415.

BONA VACANTIA

Administration of estates

Intestacy

Deceased domiciled abroad at death—Personal estate in England—Claim of foreign State as ultimus heres—Whether Crown's claim to bona vacantia excluded.
In the Estate of Maldonado, decd., C.A. [1954] P. 223; [1954] 2 W.L.R. 64.

BONA VACANTIA—*continued.*

Administration of estates (*Intestacy*)—*continued.*

Intestate survived by issue of uncles and aunts—Crown claiming intestacy because no uncle or aunt surviving. *In re* **Lockwood, decd.,** Harman J. [1958] Ch. 231; [1957] 3 W.L.R. 837.

Company

Winding up

Foreign company dissolved in Russia—No place of business in England—Assets in England—Claim to assets by Crown as bona vacantia.
In re **Azoff-Don Commercial Bank,** Wynn-Parry J. [1954] Ch. 315; [1954] 2 W.L.R. 654.

Failure of trust

Hospital

Appeal to public—Failure of object. *In re* **Hillier's Trusts,** Upjohn J. [1954] 1 W.L.R. 9.

Memorial fund

Trusts not charitable—Whether surplus funds to be held on resulting trust or bona vacantia. *In re* **Gillingham Bus Disaster Fund,** Harman J. [1958] Ch. 300; [1957] 3 W.L.R. 1069.

Practice

Claim by Crown

Representation by Treasury Solicitor. **Practice Note** [1952] W.N. 170.

Will

Intestacy, as on

Residue to pass to persons entitled as on intestacy of testator's widow—Widow illegitimate —Nature of Crown's entitlement to estates of persons dying intestate—Administration of Estates Act, 1925, s. 46 (1).
In re **Mitchell, decd.,** Wynn-Parry J. [1954] Ch. 525; [1954] 2 W.L.R. 1114.

BORROWING

Company

Purchase of land

Purchase in consideration of issue of shares and debenture stock—Whether Treasury sanction necessary—Borrowing (Control and Guarantees) Act, 1946, s. 4 (2)—Control of Borrowing Order, 1947, art. 2 (1) (*b*).
London and Country Commercial Properties Investments Ld. v. Att.-Gen., Upjohn J. [1953] 1 W.L.R. 312.

BOUNDARY

See Land Registration; Vendor and Purchaser (**Parcels**).

BREACH OF PROMISE

See Husband and Wife (**Marriage**).

BRIDGE. (*See also* Ferry.)

Toll

Crown prerogative

Application in Kenya Protectorate—Grant of franchise of pontage—Crown exemption from payment of tolls for military personnel and families.
Nyali Ltd. v. Attorney-General, C.A. [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649; H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341.

Special agreement

Exemption of "military on duty or their . . transport"—Extent of exemption.
Nyali Ltd. v. Attorney-General, C.A. [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649; H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341.

BRITISH GUIANA. (*See also* West Indies.)

Criminal law

Accessory before the fact

Counselling or procuring felony—Alleged principals acquitted but another found guilty as accessory—Whether verdicts inconsistent—Murder—Criminal Law (Offences) Ordinance (Laws of British Guiana, 1930, c. 18), ss. 24, 25.
Surujpaul v. The Queen, J.C. [1958] 1 W.L.R. 1050.

Murder

Appeal—Fresh evidence—Statements by prosecution witnesses to police—Not available at trial—Material discrepancies when compared with oral evidence—Whether trial should have been ordered. **Baksh v. The Queen,** J.C. [1958] A.C. 167; [1958] 2 W.L.R. 536.

View by jury of locus in quo

Judge absent—Fatal defect in trial—Robbery—Convictions quashed—Criminal Law (Procedure) Ordinance (Laws of British Guiana, 1953, c. 11), s. 45.
Tameshwar v. The Queen, J.C. [1957] A.C. 476; [1957] 3 W.L.R. 157.

Presence of judge desirable—Control of conduct of proceedings—Presence of witnesses who had already given evidence—Unobjectionable—Absence of accused—Effect—Murder —Criminal Law (Procedure) Ordinance (Laws of British Guiana, 1930, c. 18), ss. 44, 167 (2). **Karamat v. The Queen,** J.C. [1956] A.C. 256; [1956] 2 W.L.R. 412.

BUDDHIST LAW. *See* CEYLON.

BUILDING

By-law

Construction

Public Health (London) Act, 1891, s. 39 (1)— Water-Closet By-Laws No. 2.
Townsend (Builders) Ltd. v. Cinema News and Property Management Ltd., C.A. [1959] 1 W.L.R. 119.

Contravention

Works in contravention of by-laws—Notices to pull down—Validity—Premises let at rent not a rackrent—Whether lessee "owner"—Right to apply for extension of time for compliance with notices—Whether an appeal—Notice given more than twelve months from completion of works—Notice served on one-man company—Whether served on director individually—Trespass—General damages—Public Health Act, 1936, ss. 65 (1) (3) (4), 300 (1) (3), 343 (1)—Housing Act, 1936, s. 188 (1)—Building Restrictions (War-Time Contraventions) Act, 1946, ss. 1 (1), 3 (1) (*a*), 7 (1).
Nalder v. Ilford Corporation, Sellers J. [1951] 1 K.B. 822.

Contract

Certificate. (See also CERTIFICATE; *R.I.B.A. form.)*

Architect's certificate to be final and conclusive—Arbitration—Power of arbitrator to reopen certificate—Royal Institute of British Architects Contract No. 6.
Windsor Rural District Council v. Otterway & Try Ld., Devlin J. [1954] 1 W.L.R. 1494.

Determination of contract by builders—Interim certificates—Issue—Negligent assessment by independent surveyor—Whether "interference or obstruction" by building owner.
R. B. Burden Ltd. v. Swansea Corporation, H.L.(E.) [1957] 1 W.L.R. 1167.

Delay. (See also R.I.B.A. form.)

Quantum meruit—Specified time for completion—Delay due to scarcity of labour—Neither party in fault—Work ultimately completed—Claim by contractors on a quantum meruit.
Davis Contractors Ld. v. Fareham Urban District Council, C.A. [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388; H.L.(E.) [1956] A.C. 696; [1956] 3 W.L.R. 37.

Exceptions clause. (See also R.I.B.A. form.)

Building contract—Construction of jetty for Admiralty—Contractor liable for damage to works "arising from any cause whatsoever"—Jetty damaged by negligent navigation of Admiralty vessel—Jetty repaired by contractor—Whether cost of repairs recoverable.
A. E. Farr Ld. v. Admiralty, Parker J. [1953] 1 W.L.R. 965.

I.C.E. form

Engineer's certificate—Reference of "dispute" to arbitration—No reference to arbitration "except as to the withholding by the engineer of any certificate . . . until after "the completion . . . of the works unless with . . . consent of the employer and the "contractor"—Refusal by engineer to include certain claims not in certificate—Whether "dispute"—Whether certificate withheld.
A. E. Farr Ltd. v. Ministry of Transport, Buckley J. [1960] 1 W.L.R. 956.

Implied term

Contract to complete erection of dwelling-house—Erection in accordance with specifications—Whether implied warranty as to fitness for habitation.
Lynch v. Thorne, C.A. [1956] 1 W.L.R. 303.

Insolvency of main contractor

Owner's right to pay unpaid sub-contractor—Retention money—Paid to contractor—Interest "fiduciary as trustee for sub-contractor"—Voluntary liquidation of contractor—Effect.
In re **Tout & Finch Ld.,** Wynn-Parry J. [1954] 1 W.L.R. 178.

Lease

Construction—Approval of plans to be in lessor's "absolute discretion"—Alternative less costly plan submitted by lessee—Lessor's grounds of disapproval to be reasonable—Approval unreasonably withheld—Right of lessee to proceed with new plans.
Commissioner for Railways v. Avrom Investments Pty. Ltd., J.C. [1959] 1 W.L.R. 389.

London County Council standard contract

"Rise and fall" clause—"Rates of wages payable"—Holiday credits included in rates of wages.
London County Council v. Henry Boot & Sons Ltd., C.A. [1959] 1 W.L.R. 133. H.L.(E.) [1959] 1 W.L.R. 1069.

Quantum meruit. (See also Delay.)

No contract concluded—Whether right to remuneration for works done.
William Lacey (Hounslow) Ltd. v. Davis, Barry J. [1957] 1 W.L.R. 932.

R.I.B.A. form

Architect's certificate—Garnishee proceedings—Whether debt due from contractor to sub-contractor until issue of certificate.
Dunlop & Ranken Ltd. v. Hendall Steel Structures Ltd., Divl.Ct. [1957] 1 W.L.R. 1102.

BUILDING—*continued.*

Contract (*R.I.B.A. form*)—*continued.*

Architect's certificate—To be final and conclusive—Power of arbitrator to reopen certificate—Royal Institute of British Architects Contract No. 6.
Windsor Rural District Council v. Otterway & Try Ld., Devlin J. [1954] 1 W.L.R. 1494.

Delay—Power of architect to certify "fair and reasonable extension of time for completion" in event of delay from specified causes—Validity of extension granted after works completed.
Amalgamated Building Contractors Ltd. v. Waltham Holy Cross U.D.C., Gorman J. [1952] 1 T.L.R. 1165
C.A. [1952] W.N. 400; [1952] 2 T.L.R. 269; [1952] 2 All E.R. 452.

Exceptions clause—Redecoration of premises—Damage by fire—Contracting out of liability—General words—Whether including negligence—Clear intention of parties—Effect of provision for insurance.
James Archdale & Co. Ld. v. Comservices Ld., C.A. [1954] 1 W.L.R. 459.

House "built down to a price"—Defects in materials and workmanship—Final certificate issued by architect—Liability of architect to building owner.
Cotton v. Wallis, C.A. [1955] 1 W.L.R. 1168.

Insurance—Subsidence of adjoining properties—No negligence by contractor—Damage covered by insurance by contractor in respect of own liability—Whether contractor bound under contract also to cover building owner, by insurance, against claim by adjoining owners. **Gold v. Patman & Fotheringham Ltd.,** C.A. [1958] 1 W.L.R. 697.

Tender

Covering letter qualifying tender—Incorporation of tender in contract—Whether letter incorporated—Express incorporation of provision in letter.
Davis Contractors Ltd. v. Fareham Urban District Council, C.A. [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388;
H.L.(E.) [1956] A.C. 696; [1956] 3 W.L.R. 37.

Licence

Additional work

Additional gardening work not within licence—Covered by free allowance—"Services "for a building"—"Road"—Emergency legislation—Defence (General) Regulations, 1939, reg. 56a, Sch. VI, Part II—Control of Building Operations (No. 16) Order, 1951, art 3. **Muir v. James,** C.A. [1953] 1 Q.B. 454; [1953] 2 W.L.R. 423.

Extras—Separately ordered—Presumed within free allowance.
Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

Control price

Contract to build house at "control price"—Licence authorising erection of house "according to application"—Reference in application to selling price "including cost "of roads"—Whether purchaser not entitled to recover dedication charges from builder—Building Materials and Housing Act, 1945—Public Health Act, 1875, s. 150.
Smith v. Jones, Streatfeild J. [1952] W.N. 518; [1952] 2 T.L.R. 846; [1952] 2 All E.R. 907.

Controlled rent

Jurisdiction of justices—Building Materials and Housing Act, 1945, s. 7 (1).
Duplex Settled Investment Trust v. Worthing Borough Council, Divl.Ct. [1952] 1 All E.R. 545.

Rent in excess of permitted rent—Offence complete on granting of lease—Limitation of six months applicable—Prohibition—Building Materials and Housing Act, 1945, s. 7 (1)—Summary Jurisdiction Act, 1884, s. 11.
Regina v. Wimbledon Justices. *Ex parte* **Derwent,** Divl.Ct. [1953] 1 Q.B. 380; [1953] 2 W.L.R. 350.

"*Cost-plus*" *basis*

No licence issued—Work executed in excess of free allowance—Right of contractors to recover up to limit of free allowance.
Frank W. Clifford Ltd. v. Garth, C.A. [1956] 1 W.L.R. 570.

Legality

Building contract—Agreement that owner and tenant pay half each—Owner applied for licence in tenant's name—Owner ordered work—Refused to pay half—Work ordered by person not being person to whom licence granted—Whether work authorised by licence—Defence (General) Regulations, 1939, reg. 56A, paras. 1, 2, 6, 8.
Woolfe v. Wexler, C.A. [1951] 2 K.B. 154; [1951] 1 T.L.R. 794; [1951] 1 All E.R. 635.

Payment

Work partly lawful and partly unlawful—Instalments paid on account under contract—Whether builder could appropriate payments to illegal part—Defence (General) Regulations, 1939, r. 56A (2).
A. Smith & Son (Bognor Regis) Ltd. v. Walker, C.A. [1952] 2 Q.B. 319; [1952] 1 T.L.R. 1089; [1952] 1 All E.R. 1008.

BUILDING—*continued.*

Licence—*continued.*

Professional charges

Architect and surveyor—Licence to expend sum on building work—Additional work done without licence—Professional charges based on licensed amount—Whether included in licensed amount—Defence (General) Regulations, 1939, reg. 56A.
Young v. Buckles, C.A. [1952] 1 K.B. 220; [1952] 1 T.L.R. 271; [1952] 1 All E.R. 354.

Warranty to obtain

Promise by architect to obtain licences required by regulations—Architect also owner of building—Work carried out by builders in excess of licences obtained—Contract illegal —Builders not negligent—Builders entitled to recover damages for breach of warranty against architect—Defence (General) Regulations, 1939, as amended, reg. 56A.
Strongman (1945) Ld. v. Sincock, C.A. [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360.

Metropolis

" *Structure* "

" Building or structure . . . beyond the general line of buildings "—Erection of car shelter in forecourt of house—Tubular steel framework covered with canvas—Shelter fixed to gateposts in forecourt wall—Whether a " structure "—London Building Act, 1930, s. 22. **London County Council v. Tann,** Divl.Ct. [1954] 1 W.L.R. 371.

Safety regulations

Application. (*See also Subcontractor.*)

" Building "—Installation of electrical apparatus in workshop in course of construction—Whether " construction . . . of a building "—Scaffold—Breach of statutory duty by employer—Consequent shifting of onus of proof—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2, 22, 24.
Hughes v. McGoff & Vickers Ld., Ashworth J. [1955] 1 W.L.R. 416.

——— Power station—Installation of plant—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 and 30 (3).
Elms v. Foster Wheeler Ld., C.A. [1954] 1 W.L.R. 1071.

Independent contractor—Whether applicable to self-employed workman—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 31 (1).
Herbert v. Harold Shaw Ltd., C.A. [1959] 2 Q.B. 138; [1959] 2 W.L.R. 681.

Installation of lift in unfurnished building—Whether part of construction of building—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2, 4, 5, 6, 7, 9, 22, 23. **Simmons v. Bovis Ltd.,** Barry J. [1956] 1 W.L.R. 381.

Installation of plant in factory—Building (Safety, Health and Welfare) Regulations, 1948, reg. 2 (1).
Hutchison v. Cocksedge & Co., Croom-Johnson J. [1952] 1 All E.R. 696n.

" Repair or maintenance "—Preparation for—Fall of workman through fragile asbestos roof—Failure of employers to affix prominent notices that roof fragile—Workman sent up to take measurements for new roof gutter—Whether regulations applicable—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 and 31 (3) (*a*) and (*b*).
Sumner v. R. L. Priestly Ld., C.A. [1955] 1 W.L.R. 1202.

Delegation of duties to foreman

Injury to foreman—Negligent selection of unsafe ladder by foreman—Injured by breaking of ladder—Technical breach of statutory duty by employers—Liability—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 29 (1) (8)—Law Reform (Contributory Negligence) Act, 1945, s. 1.
Johnson v. Croggan & Co. Ld., Pilcher J. [1954] 1 W.L.R. 195.

——— Roofs covered with fragile materials—" Ladders, duck ladders or " crawling boards to be provided and used "—Meaning of " crawling boards "—Construction of trade terms in statutory regulations—Crawling boards not provided—Experienced workman killed—Building (Safety, Health and Welfare) Regulations, 1948, reg. 31 (3) (*a*).
Jenner v. Allan West & Co. Ltd., C.A. [1959] 1 W.L.R. 554.

Delegation of duties to workman

Disregard of instructions to fix ladder—Building (Safety, Health and Welfare) Regulations, 1948, reg. 29 (3) (4).
Manwaring v. Billington, C.A. [1952] W.N. 467; [1952] 2 T.L.R. 689; [1952] 2 All E.R. 747.

Demolition

Damaged house—Hole in floor—Breaking of part of perimeter—Fall of employee—Employer's liability—Meaning of " collapse "—Meaning of " adequate shoring or otherwise "—Building (Safety, Health and Welfare) Regulations, 1948, reg. 79 (7).
Mortimer v. Samuel B. Allison Ltd., H.L.(Sc.) [1959] 1 W.L.R. 330.

Gas retorts surrounded by brick arches—Archways demolished—Collapse of adjoining wall —Fatal accident—Meaning of " building "—Precautions " where necessary " to be taken " as far as practicable " against possibility of accidental collapse—Construction—Building (Safety, Health and Welfare) Regulations, 1948, regs. 79, 94.
Knight v. Demolition and Construction Co. Ld., Parker J. [1953] 1 W.L.R. 981; C.A. [1954] 1 W.L.R. 563.

BUILDING—*continued.*

Safety regulations—*continued.*

Duty on workman

Whether limited to acts to be done by him specifically—Building (Safety, etc.) Regulations, 1948, reg. 4.
Davison v. Apex Scaffolds Ltd., C.A. [1956] 1 Q.B. 551; [1956] 2 W.L.R. 636.

Epileptic fit

Fall of painter from working platform—Employer not absolved from breach of regulations—Building (Safety, Health and Welfare) Regulations, 1948, regs. 22 (*c*), 24.
Cork v. Kirby Maclean Ltd., Donovan J. [1952] W.N. 231; [1952] 1 All E.R. 1064.
C.A. [1952] W.N. 399; [1952] 2 T.L.R. 217; [1952] 2 All E.R. 402.

Excavations

Unknown pre-existing excavation—Injury to workman—Liability of employers—"Excavation, pit or opening in the ground"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 77
Knight v. Lambrick Contractors Ltd., C.A. [1957] 1 Q.B. 562; [1956] 3 W.L.R. 906.

Eyes

Protection—Workman drilling holes in concrete by means of chisel with cutting edges fixed to hammer driven by electric motor—Whether process of "cutting" concrete—Building (Safety, Health and Welfare) Regulations, 1948, reg. 84, Sch. II, para. (2). **Fallaize v. Troughton & Young Ltd.**, Divl.Ct. [1956] 1 W.L.R. 1079.

Falling material

Place of habitual employment—Electrician working in open shaft injured by part of shaft falling upon him—Meaning of "material"—Whether breach of regulations—Building (Safety, Health and Welfare) Regulations, 1948, reg. 90 (1).
Bailey v. Ayr Engineering and Constructional Co. Ltd., C.A. [1959] 1 Q.B. 183; [1958] 2 W.L.R. 882.

"*Hand-rail*" *or* "*guard-rail*"

Meaning of—Factories Act, 1937, s. 25 (2)—Building (Safety, Health and Welfare) Regulations, 1948 (S.I. 1948, No. 1145), reg. 27 (1) (2).
Corn v. Weir's Glass (Hanley) Ltd., C.A. [1960] 1 W.L.R. 577.

Safe means of access

Fall of erector from steel framework—Liability of employers—Building (Safety, Health and Welfare) Regulations, 1948 (S.I. 1948, No. 1145), regs. 5, 30 (3).
Trott v. W. E. Smith (Erectors) Ltd., C.A. [1957] 1 W.L.R. 1154.

Scaffold—"Every place at which any person . . . has to work"—Duty limited to persons having to work on scaffold—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4 (11), 5. **Wingrove v. Prestige & Co. Ld.**, Hilbery J. [1953] 1 W.L.R. 449; C.A. [1954] 1 W.L.R. 524.

——— "Every place"—Safe means of access "to every place at which any person ". . . has to work"—Whether duty limited to persons having to work on scaffolds—Concrete roadway—Uncompleted section—Scaffold board laid as temporary gangway to gate of premises—Building (Safety, Health and Welfare) Regulations, 1948, reg. 5.
Brown v. Troy & Co. Ld., Gerrard J. [1954] 1 W.L.R. 1181.

Standard of safety—Building (Safety, Health and Welfare) Regulations, 1948, reg. 5.
Sheppey v. Matthew T. Shaw & Co. Ltd., Parker J. [1952] W.N. 249; [1952] 1 T.L.R. 1272.

Scaffold

Boards on roof for workmen to stand on—Duty to provide—Warning notice—Fragile roof—Risk of falling on adjoining roof—Whether working "above" it—Building (Safety, Health and Welfare) Regulations, 1948, regs. 3, 5, 31 (3) (*a*) (*b*).
Harris v. Brights Asphalt Contractors Ld., Slade J. [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341.

Defective coupler—Breach of building regulations by employee—Use by employee of coupler not supplied by employers—Failure of employee to co-operate in carrying out Part II of building regulations—Employers thereby rendered in breach of regulations—Damages—Apportionment—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 7, 12—Law Reform (Contributory Negligence) Act, 1945, ss. 1 and 4. **Davison v. Apex Scaffolds Ltd.**, C.A. [1956] 1 Q.B. 551; [1956] 2 W.L.R. 636.

Dismantling—Whether regulations apply during—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2, 4, 24 (1).
Sexton v. Scaffolding (Great Britain) Ltd., Donovan J. [1952] W.N. 343; [1952] 2 T.L.R. 63; [1952] 2 All E.R. 278.
C.A. [1952] W.N. 549; [1953] 1 Q.B. 153; [1952] 2 T.L.R. 986; [1952] 2 All E.R. 1085.

Erection—Breach of regulations—Fall of workman—Liability of erectors of scaffolding—Liability of employers—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 5, 24. **Pratt v. Richards**, Barry J. [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90.

Installation of lift in unfinished building—Whether part of construction of building—Erection of scaffolding by lift subcontractors—Liability of subcontractors—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 (1), 4, 5, 6, 7 (1) (2), 9, 22 (*a*), 23 (2). **Simmons v. Bovis Ltd.**, Barry J. [1956] 1 W.L.R. 381.

BUILDING—*continued.*

Safety regulations—*continued.*

Scaffold protruding across access to building site—Safe means of access to "every place "at which any person . . . has to work"—Duty limited to employees of contractor—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4 (ii), 5.
Wingrove v. Prestige & Co. Ld., Hilbery J. [1953] 1 W.L.R. 449; C.A. [1954] 1 W.L.R. 524.

Unstable—Glazier injured—Breach of building regulations by employer—Duty of employer to take "express" steps to be satisfied that scaffold not supplied by him stable—Time when steps to be taken—Meaning of "express"—Damages—Apportionment—Building (Safety Health and Welfare) Regulations, 1948, reg. 21.
Clarke v. E. R. Wright & Son, C.A. [1957] 1 W.L.R. 1191.

Upright not vertical—Remedial work by plaintiff—Injured by own negligence—Causation—Building (Safety, Health and Welfare) Regulations, 1948, reg. 10 (1) (*a*).
Norris v. W. Moss & Sons Ld., C.A. [1954] 1 W.L.R. 346.

Secure handhold or foothold

Flat roof under construction—Inapplicability of statutory regulations—Building (Safety, Health and Welfare) Regulations, 1948, reg. 97.
Montgomery v. A. Monk & Co. Ld., C.A. [1954] 1 W.L.R. 258.

Meaning of "foothold"—"Availability" of safety belt—Breach of statutory duty—Building (Safety, Health and Welfare) Regulations, 1948, reg. 97.
Roberts v. Dorman Long & Co. Ld., C.A. [1953] 1 W.L.R. 942.

Subcontractor. (*See also Application.*)

Failure by subcontractor to comply with statutory requirements—Personal injuries to employee of subcontractor—Contractor's liability for breach of duty—Building (Safety, Health and Walfare) Regulations, 1948, regs. 4, 31.
Mulready v. J. H. & W. Bell Ld., C.A. [1953] 2 Q.B. 117; [1953] 3 W.L.R. 100.

No contractual liability to erect scaffold—Building (Safety, Health and Welfare) Regulations, 1948, reg. 4. **Simmons v. Bovis Ltd.**, Barry J. [1956] 1 W.L.R. 381.

"Temporary platform"

Fixed structure temporarily used as working place—Whether breach of statutory duty—Building (Safety, Health and Welfare) Regulations, 1948, reg. 24 (1) (5) (*d*).
Westcott v. Structural and Marine Engineers Ltd., Lord Parker C.J. [1960] 1 W.L.R. 349.

Temporary structure

Construction of concrete house by means of "shuttering"—Regulation requiring "sound "material, adequate strength and stability, having regard to the purpose for which it "is used"—Inapplicability to demolition of structure—Building (Safety, Health & Welfare) Regulations, 1948, reg. 93.
Grant v. George Wimpey & Co. Ltd., C.A. [1956] 1 W.L.R. 1316.

"Working platform"

Installation of plant in factory—Platform of plant—Building (Safety, Health and Welfare) Regulations, 1948, reg. 22.
Hutchison v. Cocksedge & Co., Croom-Johnson J. [1952] 1 All E.R. 696n.

BUILDING SOCIETY

House purchase

Financial assistance

Advance to member on security of legal charge for purchase of freehold estate—Collateral security by mortgage from another person—No notice in prescribed form of collateral security by society to borrower—Originating motion by society for general leave to treat securities as effective—Form of order—Building Societies Act, 1939, s. 7.
In re **Redgrave**, Harman J. [1951] W.N. 598; [1951] 2 T.L.R. 1137.

Order against advertisement for capital

Hearing of representations by society

Determination by registrar to make order—Information subsequently received—Whether registrar's decision affected—Whether capacity of registrar quasi-judicial or administrative—Whether publication of society's name should be withheld—Prevention of Fraud (Investments) Act, 1958, s. 11 (1) (2) (3).
Reg. v. Registrar of Building Societies. *Ex parte* **A Building Society**, Divl.Ct. & C.A. [1960] 1 W.L.R. 669.

BURDEN OF PROOF. (*See also* PRESUMPTION.)

Adultery. *See* **Standard of proof**; HUSBAND AND WIFE.

Advancement. *See* ADVANCEMENT.

Causation. *See* CAUSATION.

Contract

Condition

Observance by insured of conditions of policy condition precedent to insured's right to recover—Onus on insurers to prove compliance by insured with conditions.
Bond Air Services Ld. v. Hill, Lord Goddard C.J. [1955] 2 Q.B. 417; [1955] 2 W.L.R. 1194.

BURDEN OF PROOF—*continued.*

Contract—*continued.*

Exceptions clause

"At customer's risk."

Woolmer v. Delmer Price Ld., McNair J. [1955] 1 Q.B. 291; [1955] 2 W.L.R. 329.

Criminal case. (*See also* CRIME.)

Burden on prosecution throughout

Self-defence—Wounding. **Reg. v. Lobell**, C.C.A. [1957] 1 Q.B. 547; [1957] 2 W.L.R. 524.

Dangerous driving

Defence of automatism. **Hill v. Baxter**, Divl.Ct. [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76.

Direction to jury. See CRIME (**Summing up**).

Facts especially within knowledge of accused

No burden on accused to prove that no crime has been committed—Onus on prosecution to prove commission of offence—Evidence Ordinance (Laws of Singapore, 1955, c. 4), ss. 107, 115. **Ng v. The Queen**, J.C. [1958] A.C. 173; [1958] 2 W.L.R. 599.

Fitness to plead

Principles applicable. **Reg. v. Podola**, C.C.A. [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718.

Knowingly harbouring uncustomed goods

Liability to conviction if no explanation given—Whether accused aware goods uncustomed—Customs Consolidation Act, 1876, ss. 186, 259.

Rex v. Cohen, C.C.A. [1951] 1 K.B. 505; [1951] T.L.R. 251; [1951] 1 All E.R. 203.

Offence against mental defective

Detention—Legality.

Director of Public Prosecutions v. Head, H.L.(E.) [1959] A.C. 83; [1958] 2 W.L.R. 617.

Fraud. *See* **Standard of proof.**

Husband and wife. (*See also* **Standard of proof**; HUSBAND AND WIFE (**Adultery**; **Cruelty**).

Desertion

Defence of belief in deserted spouse's adultery. **Jones v. Jones**, Divl.Ct. [1953] 1 W.L.R. 867.

Wilful neglect to maintain

Justices. **Stirland v. Stirland**, Divl.Ct. [1960] 1 W.L.R. 18.

Misdirection

Question of retrial

Letchumanan Chettiar v. Sadayappa Chettiar, J.C. [1953] 1 W.L.R. 269.

Nature of onus

Provisional burden

Evidence pro and con—Determinate conclusion—Irrelevance of onus.

Huyton-with-Roby Urban District Council v. Hunter, C.A. [1955] 1 W.L.R. 603.

Negligence. *See* NEGLIGENCE.

Nuisance

Public navigable river

Ship jettisoning oil—Damage to foreshore—Burden on defendant to justify.

Esso Petroleum Co. Ld. v. Southport Corpn., Devlin J. [1953] 3 W.L.R. 773;
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.
H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Parliamentary election

Breach of rules

Whether burden rests on respondent to prove compliance.

In re **Kensington North Parliamentary Election**, Election Ct. [1960] 1 W.L.R. 762.

Standard of proof

Civil action

Allegation of fraud—Balance of probability.

Hornal v. Neuberger Products Ltd., C.A. [1957] 1 Q.B. 247; [1956] 3 W.L.R. 1034.

Criminal case. See CRIME (**Summing up**).

Divorce suit

Adultery—Bastardisation of child—Proof beyond reasonable doubt.

Preston-Jones v. Preston-Jones, H.L.(E.) [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124.

Cruelty—Proof "beyond reasonable doubt"—Meaning—Not same strictness as in case of crime. **Bater v. Bater**, C.A. [1951] P. 35; [1950] 2 All E.R. 458.

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Trespass to the person

Negligence

Proof of. **Fowler v. Lanning**, Diplock J. [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241.

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Evidence taken before an examiner—Examiner's report—R.S.C., Ord. 37, r. 17.

In re **Wipperman, decd.**, Pearce J. [1955] P. 59; [1953] 2 W.L.R. 706.

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Goodman v. J. Eban Ld., C.A. [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581.

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Negligence—Pilot in control of navigation—Defence to action for damages—Shipowner not liable under foreign law for negligence of pilot—Port of Basrah By-laws.
The Waziristan, Willmer J. [1953] 1 W.L.R. 1446.
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C.A. [1959] Ch. 543; [1959] 2 W.L.R. 884.
H.L.(E.) [1960] 3 W.L.R. 831.
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Statute providing that "animals kept in such a place or manner as to be prejudicial to "health or a nuisance" shall be a statutory nuisance—By-law prohibiting the keeping of noisy animals causing nuisance—Whether ultra vires—Public Health Act, 1936, s. 92—Local Government Act, 1933, s. 249 (4).
Morrissey v. Galer, Divl.Ct. [1955] 1 W.L.R. 110.
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Townsend (Builders) Ltd. v. Cinema News and Property Management Ltd.,
C.A. [1959] 1 W.L.R. 119.

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Att.-Gen. for Alberta v. West Canadian Collieries Ld.,
J.C. [1953] A.C. 453; [1953] 2 W.L.R. 801.

Mechanics' lien—"Owner"—Oil well—Drilling contractor's claim to lien—Whether work done for an "owner" as defined—Sale of severed oil—Fund in hands of receiver appointed by court—Rights of lienholder against fund—Mechanics' Lien Act, R.S. of Alberta, 1942, c. 236 (as amended to 1951, R.S. 1955, c. 197), ss. 2 (*a*) (*c*) (*g*), 6, 36, 37, 43. **Ponoka-Calmar Oils Ltd. v. Earl F. Wakefield Co.,** J.C. [1960] A.C. 18; [1959] 3 W.L.R. 631.

Petroleum and natural gas—Grant by Dominion—Power to impose royalties—Validity—Transfer of Dominion rights to Province—Dominion Lands Act, 1908, c. 20, s. 76 (*k*)—Alberta Natural Resources Act [Transfer Agreement Act], 1930, S.A. c. 21, ss. 1, 3.
Att.-Gen. for Alberta v. Huggard Assets Ld.,
J.C. [1953] A.C. 420; [1953] 2 W.L.R. 768.

Sale of land—Reservation of "petroleum"—Petroleum and natural gas—Separate substances—"Petroleum" includes gas in solution—Vernacular meaning—Right to work petroleum not specifically reserved—Implied right—No obligation to conserve natural gas. **Borys v. Canadian Pacific Ry. Co.,** J.C. [1953] A.C. 217; [1953] 2 W.L.R. 224.

Revenue
Personal property tax—Plant and equipment used in Government construction contract—Assessment—Crown "the owner" of the plant—Assessee "in legal possession"—Whether assessee taxable—Exempt items included in non-itemised assessment—Validity of assessment—The Assessment Act (Alberta), R. S. A. 1942, c. 157 (as amended to 1945), ss. 4, 5 (*o*) (*z*), 26 (1) (*l*), 35, 47—The Municipal District Act (Alberta), R. S. A. 1942, c. 151 (as amended to 1948), s. 288—British North America Act, 1867, s. 125. **Bennett & White (Calgary) Ltd. v. Municipal District of Sugar City, No. 5.**
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National Emergency Transitional Powers Act, 1945, s. 2 (1)—Order in Council, 1947, s. 22. **Attorney-General for Canada v. Hallet & Carey Ltd.,** J.C. [1952] A.C. 427; [1952] 1 T.L.R. 1408.

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Manitoba

Business tax

Canadian Pacific Railway Company—Charter powers—Construction—Deed of covenant to erect and maintain forever main workshops in Winnipeg—Comprehensive municipal tax exemption—Validity of deed of covenant—Exemption from business tax—Act Respecting the Canadian Pacific Railway, (S.C.) 1881, s. 2—Letters Patent Incorporating the Canadian Pacific Railway Company, February 16, 1881, cl. 4.
City of Winnipeg v. Canadian Pacific Ry. Co., J.C. [1953] A.C. 618; [1953] 3 W.L.R. 438.

New Brunswick

Constitutional law

Provincial highways—Inter-provincial public motor bus service—Licensing—Subject to exclusive Dominion legislative competence—Dominion power not impaired by provincial regulatory powers of control over its highways—Inter-provincial undertaking one and indivisible—Consequential power to carry purely intra-provincial passengers—"Works "and undertakings"—To be read disjunctively—British North America Act, 1867, ss. 91, 92 (10) (*a*)—Motor Carrier Act, 1937 (New Brunswick) (c. 43) (as amended), ss. 4, 11, 17. **Attorney-General for Ontario v. Israel Winner,** J.C. [1954] A.C. 541; [1954] 2 W.L.R. 418.

Ontario

Charity

"Charitable purposes only, for"—Limited class of beneficiaries—Gift of income of residue to employees and ex-employees of company "in perpetuity for charitable pur-"poses only"—Not a valid charitable bequest—Poverty, relief of—Class of beneficiaries.
In re **Cox, dec.,** J.C. [1955] A.C. 627; [1955] 3 W.L.R. 42.

Copyright

Infringement—Musical work—Relayed public performance—Transmission and reception equipment—Use of wires of independent telephone company—Equipment not a "gramo-"phone"—No exemption from fees, charges or royalties—Copyright Amendment Act, (S.C. 1938, c. 27, s. 4), s. 10B (6) (a). **Associated Broadcasting Co. Ld. v. Composers, Authors and Publishers Association of Canada Ld.,** J.C. [1954] 1 W.L.R. 1484.

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Practice

Assignment of right of action

Continued right to sue—"Interest" therein—"Signification"—Code of Civil Procedure, art. 77—Civil Code, s. 1571.
Boiler Inspection and Insurance Co. of Canada v. Sherwin-Williams Co. of Canada Ltd., J.C. [1951] A.C. 319; [1951] 1 T.L.R. 497.

Quebec

Revenue

Municipal taxation—Immovable property—Large office building—Basis of assessment—"Actual value"—Principles governing ascertainment—Charter of the City of Montreal, ss. 361, 375.
Montreal Corp. v. Sun Life Assurance Co. of Canada, J.C. [1951] W.N. 575.

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Excess profits tax

Manufacturing company—Method of computing profits—Relevant cost of raw materials—F.I.F.O. or first-in-first-out assumption applicable—Proper weight to be given to ascertainable facts—L.I.F.O. or last-in-first-out method inappropriate—(Canadian) Excess Profits Tax Act, 1940, c. 32, s. 3.
Minister of National Revenue v. Anaconda American Brass Ltd., J.C. [1956]A.C. 85; [1956] 2 W.L.R. 31.

Personal property tax

Decision of assessment commission—Right to bring action—Whether *res judicata*—Assessment invalid *in toto*—Assessment Act (Alberta), R. S. A. 1942, c. 157 (as amended to 1945), ss. 35, 47.
Bennett & White (Calgary) Ltd. v. Municipal District of Sugar City, No. 5, J.C. [1951] A.C. 786.

Saskatchewan

Business tax

Canadian Pacific Railway Company—Construction contract—Exemption of property from taxation—Implementing legislation—Constitutional validity—British North America Act, 1867 (30 & 31 Vict. c. 3), s. 92 (2)—British North America Act, 1871, s. 2—Saskatchewan Act, 1905 (S.C.), s. 24—City Act, 1947 (S.S.).
Att.-Gen. for Saskatchewan v. Canadian Pacific Ry. Co., J.C. [1953] A.C. 594; [1953] 3 W.L.R. 409.

Shipping

Bill of lading

Seaworthiness—Hague Rules—Doctrine of stages—Fire—Loss of cargo—Overriding obligation to exercise due diligence "before and at the beginning of the voyage" to make ship seaworthy—Continuous obligation from at least the beginning of loading

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Shipping (*Bill of lading*)—*continued.*

until start of voyage—Failure to exercise due diligence—Exemptions excluded—Canadian Water Carriage of Goods Act, 1936—Carriage of Goods by Sea Act, 1924, Sch., arts. III, r. 1; IV, r. 2 (*b*).
Maxine Footwear Co. Ltd. v. Canadian Government Merchant Marine Ltd., J.C. [1959] A.C. 589; [1959] 3 W.L.R. 232.

Limitation of liability

Crown—Warship in collision—Solely to blame—Crown not entitled to limit liability—Express statutory exclusion—Canada Shipping Act, 1934, c. 44, ss. 649, 712.
Nisbet Shipping Co. Ld. v. The Queen, J.C. [1955] 1 W.L.R. 1031.

State Act

Validity

Prohibition of manufacture, importation and sale of butter substitutes—Legislative competence—Whether *ultra vires* Dominion Parliament—Whether in relation to "civil "rights" in the province—Dairy Industry Act, R. S. C. 1927, s. 5 (*a*)—British North America Act, 1867, ss. 91 (2) (27), 92 (13), 95.
Canadian Federation of Agriculture v. Attorney-General for Quebec, J.C. [1951] A.C. 179.

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Whether "British colony or dependency"

Statute of Westminster, 1931, ss. 1, 2.
In re **Brassey's Settlement,** Danckwerts J. [1955] 1 W.L.R. 192.

Supreme Court

Jurisdiction

Will—Grant of probate—Not conclusive even between contesting parties—Judgment of provincial appellate court not "final"—No jurisdiction in Supreme Court of Canada to entertain appeal—Supreme Court Act, R.S.C., 1927, c. 35, ss. 2 (*b*); 36 (*a*).
Dansereau v. Berget, J.C. [1954] A.C. 1; [1953] 3 W.L.R. 676.

CAPITAL OR INCOME. (*See also* REVENUE (**Income tax**).)

Company, distribution by

Capital profits dividend

British Transferred Stock—Shares in company—Distribution of capital profits—Capital not issue of settled fund.
In re **Winder's Will Trust,** Romer J. [1951] Ch. 916; [1951] 2 T.L.R. 93; [1951] 2 All E.R. 362.

Debentures

Scheme of arrangement—Statement by company that principal secured and interest accrued should be satisfied by payment of cash and securities—Whether binding as between tenant for life and remainderman—Whether payment apportionable.
In re **Morris's Will Trusts,** Cross J. [1960] 1 W.L.R. 1210.

Special capital profits dividend—Dividend distributed as stock—Whether capital or income—Jurisdiction to apportion—Special circumstances.
In re **Kleinwort's Settlements,** Vaisey J. [1951] Ch. 860; [1951] 2 T.L.R. 91; [1951] 2 All E.R. 328.

———————— Income or capital—Apportionment—Trustees' omission to sell stock cum dividend—Whether breach of trust.
In re **Rudd, decd.,** Upjohn J. [1952] W.N. 49; [1952] 1 T.L.R. 44.

Share premium account

Reduction of capital—Payment to shareholders—Whether sums paid capital or income.
In re **Duff's Settlements,** Harman J. [1951] Ch. 721; [1951] T.L.R. 735; [1951] 1 All E.R. 869.
C.A. [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534.

Unit trust

Sub-units forming part of residuary estate—Distributions described as capital—Distinction between capital and income required by trust deed—Distinction made for tax purposes—Not wholly capital payments—Whether apportionable between capital and income interests.
In re **Whitehead's Will Trusts,** Harman J. [1959] Ch. 579; [1959] 3 W.L.R. 33.

National Savings Certificates

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Whether increase "dividends interest or moneys of the nature of income."
In re **Holder, decd.,** Roxburgh J. [1953] Ch. 468; [1953] 2 W.L.R. 1079.

Town and country planning

Compensation

"Unexpended balance of established development value"—Part of residuary estate consisting of land purchased by county council—Whether attributable to capital or income of estate.
In re **Hasluck, decd.,** Wynn-Parry J. [1957] 1 W.L.R. 1135.

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Trustees' discretion

Capital profits dividend

Trustees' investment in stock—Dividend—Distribution of capital profits of company—Tenant for life and remainderman—Trustees' discretion to determine whether capital or income. *In re* **Maclaren's Settlement,** Harman J. [1951] W.N. 394; [1951] 2 T.L.R. 209; [1951] 2 All E.R. 414.

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Trustees' determination declared conclusive—Whether clause valid.
In re **Wynn, decd.,** Danckwerts J. [1952] Ch. 271; [1952] 1 T.L.R. 278; [1952] 1 All E.R. 341.

War damage compensation

Damage during requisition

Tenant for life and remainderman—House requisitioned during war—Damage during requisition—Compensation income not capital—Settled Land Act, 1925, s. 81—Compensation (Defence) Act, 1939, s. 2 (1) (*b*).
In re **Pomfret's Settlement,** Roxburgh J. [1952] Ch. 48; [1951] 2 T.L.R. 990; [1951] 2 All E.R. 951.

CARRIAGE BY AIR

See AIRCRAFT.

CARRIAGE BY RAILWAY

See RAILWAY.

CARRIAGE BY SEA

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CASE STATED

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CATERING WAGES

Minimum wage

Garage with café attached

Joint engagement of man and wife as manager and manageress of garage and café respectively—Joint weekly wage—Full board but no lodging—Not within Catering Wages Act, 1943, ss. 9 (1), 10 (1)—Wages Regulation (Unlicensed Place of Refreshment) Order, 1949—Wages Regulation (Unlicensed Place of Refreshment) Order, 1947.
Parkinson v. H. & J. Plumpton, Lord Goddard C.J. [1954] 1 W.L.R. 75.

Manager sharing profits

Contract by husband and wife to manage café and to pay a weekly sum to the owner—Weekly sum earned insufficient to satisfy terms of contract—Wrongful dismissal—Whether contract within the Act—Scale of Remuneration—Catering Wages Act, 1943, ss. 1, (4), 9 (1)—Wages Regulation (Unlicensed Place of Refreshment) Order, 1953—Wages Regulation (Unlicensed Place of Refreshment) (Amendment) Order, 1955.
Hearst v. Clark, Lloyd-Jacob J. [1955] 1 W.L.R. 1210.

Night watchman

Worker engaged to remain on premises of unlicensed place of refreshment 93 hours weekly—Active employment not in excess of normal 47-hour week—Claim for statutory remuneration for overtime and special time—Catering Wages Act, 1943, ss. 1 (2), 4—Wages Regulation (Unlicensed Place of Refreshment) Order, 1949, regs. 24, 26.
English v. Gunter & Co. Ltd., C.A. [1957] 1 W.L.R. 915.

Restaurant cloakroom attendant

Minimum wages scale—Worker "employed in" undertaking—Restaurant cloakroom attendant—Remuneration by tips only—Self-employed person—Work performed in pursuance of arrangement made by worker by way of trade—Worker "deemed to be "employed"—Catering Wages Act, 1943, s. 1 (2) (4).
Pauley v. Kenaldo Ld., Birkett L.J. [1953] 1 W.L.R. 187.

Sum paid by worker for benefit

Licensed non-residential establishment—Manager—Two agreements—Service agreement under which manager entitled to statutory minimum wage—Catering agreement entitling him to run catering business and receive profits in consideration of weekly payment to employer—Whether deductions in respect of "benefits and advantages "received in connexion with employment" as manager—Catering Wages Act, 1943, s. 10 (3).
People's Refreshment House Association Ld. v. Jones, Divl.Ct. [1954] 1 W.L.R. 339.

Tips

Unlicensed restaurant—Waiters receiving as wages from employer less than the prescribed statutory minimum remuneration—Weekly share-out of tips-pool in custody of employer—Total weekly sum received in excess of statutory minimum remuneration—Whether offence committed—Catering Wages Act, 1943, s. 9—Wages Regulation (Unlicensed Place of Refreshment) Order, 1949.
Wrottesley v. Regent Street Florida Restaurant, Divl.Ct. [1951] 2 K.B. 277; [1951] 1 T.L.R. 338; [1951] 1 All E.R. 566.

CATTLE

Trespass. *See* TRESPASS.

CAUSATION

Breach of statutory duty. (*See also* **Statutory liability.**)

Building

Safety regulations—Electrician working in open shaft injured by part of shaft falling upon him—Whether breach of regulations cause of injury.
Bailey v. Ayr Engineering and Construction Co. Ltd., C.A. [1959] 1 Q.B. 183; [1958] 2 W.L.R. 882.

Burden of proof

Breach of building regulations by employer.
Clarke v. E. R. Wright & Son, C.A. [1957] 1 W.L.R. 1191.

Lack of hand-rail for stairs—Fall.
Corn v. Weir's Glass (Hanley) Ltd., C.A. [1960] 1 W.L.R. 577.

Pneumoconiosis—Whether resulting from breach of duty—Grinding of Metals (Miscellaneous Industries) Regulations, 1925, reg. 1.
Bonnington Castings Ltd. v. Wardlaw, H.L.(Sc.) [1956] A.C. 613; [1956] 2 W.L.R. 707.
Nicholson v. Atlas Steel Foundry (etc.) Ltd., H.L.(Sc.) [1957] 1 W.L.R. 613.
Quinn v. Cameron & Roberton Ltd., H.L.(Sc.) [1958] A.C. 9; [1957] 2 W.L.R. 692.

Whether injury caused by breach—Protection of eyes.
Watts v. Enfield Rolling Mills (Aluminium) Ltd., C.A. [1952] 1 T.L.R. 733; [1952] 1 All E.R. 1013.

Contributory negligence or plaintiff's own breach. See STATUTORY DUTY.

Concurrent causes

Factory

Fire—Failure to turn off main switch—Wires transposed unknown to occupier—Fireman electrocuted—Liability of occupier.
Hartley v. Mayoh & Co., C.A. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355.

Continuing causes

Factory

Onus of proof. **Clarkson v. Modern Foundries Ltd.,** Donovan J. [1957] 1 W.L.R. 1210.

Homicide

Incorrect treatment before death

Whether break in chain of causation.
Reg. v. Smith, C.-M.A.C. [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623.

Indemnity clause

Construction

Indemnity by licensee to licensor for personal injury, loss or damage "which, but for the permission hereby granted would not have arisen."
Warrellow v. Chandler and Braddick, Lynskey J. [1956] 1 W.L.R. 1272.

Negligence

Contributory negligence. See NEGLIGENCE.

Creating opportunity for other to break law

Knowledge that breach of law likely.
Alford v. National Coal Board, H.L.(Sc.) [1952] W.N. 144; [1952] 1 T.L.R. 687; [1952] 1 All E.R. 754.

Dry dock

Working ledge of dock unfenced—Workman returning to work—Fall onto ledge and into dock. **Bath v. British Transport Commission,** C.A. [1954] 1 W.L.R. 1013.

Shipping

Vessel manned with insufficient number of certificated officers—Collision occurring during watch of uncertificated officer—Actual fault or privity of owners—Merchant Shipping Act, 1894, s. 503. **The Empire Jamaica,** Willmer J. [1955] P. 52; [1955] 2 W.L.R. 435;
C.A. [1955] P. 259; [1955] 3 W.L.R. 385.
H.L.(E.) [1957] A.C. 386; [1956] 3 W.L.R. 598.

Order by court

Payment of money accordingly—Whether caused by order.
O'Connor v. Isaacs, Diplock J. [1956] 2 W.L.R. 585;
C.A. [1956] 2 Q.B. 288; [1956] 3 W.L.R. 172.

Road traffic

Accident

Lorry left pointing obliquely across roadway—Injury to motor-cyclist—Whether cyclist could have avoided lorry—Closely connected causes—Doctrine of last opportunity obsolete or inapplicable—Whether both to blame.
Harvey v. Road Haulage Executive, C.A. [1951] W.N. 588.

Report of accident—"Owing to presence of motor vehicle on road"—Passenger injured by stepping off moving omnibus—Driver's knowledge—Duty of driver to report to police—Road Traffic Act, 1930, s. 22.
Quelch v. Phipps, Divl.Ct. [1955] 2 Q.B. 107; [1955] 2 W.L.R. 1067.

CAUSATION—*continued.*

Road traffic—*continued.*

User of vehicle in dangerous condition

Condition due to negligent repair by garage mechanics—Unwitting use on road by owner—Whether garage proprietor criminally liable—Whether garage proprietor "caused" vehicle to be used on road in dangerous condition—"Causes or permits to be used"—Motor Vehicles (Construction and Use) Regulations, 1951, regs. 72 (1), 101.
Shave v. Rosner, Divl.Ct. [1954] 2 Q.B. 113; 2 W.L.R. 1057.

Statutory liability

Irrelevance of causation

Liability for involuntary act—London Government Act, 1939, s. 181 (3).
Kensington Borough Council v. Walters, Divl.Ct. [1960] 1 Q.B. 361; [1959] 3 W.L.R. 945.

CEMETERY

Company

Exclusive right of burial only

Family grave plot with tree—Neighbouring gravestones damaged by fall of tree—Liability—Whether implied term to maintain tree—6 & 7 Will. 4, c. cxxxvi [London Cemetery Act, 1836], ss. 10, 17, 44—Regulations made under that Act in 1881, regs. 11 and 12.
London Cemetery Co. Ld. v. Cundey, McNair J. [1953] 1 W.L.R. 786.

Cremation

Rating

Crematoria acquired under Burial Act, 1852—Whether qualified for rating relief afforded to burial grounds—Meaning of "deemed"—Burial Act, 1852, s. 26—Burial Act, 1855, s. 15—Cremation Act, 1902, s. 4.
Law v. Wandsworth Borough Council, C.A. [1958] 1 Q.B. 19; [1957] 3 W.L.R. 490.

Faculty

Burial ground

Disinterment followed by reinterment in communal grave—Road widening scheme.
In re **Parish of Caister-on-Sea,** Ellison Ch. [1958] 1 W.L.R. 309.

Disused churchyard

Proposed user of part as footpath and omnibus shelter—Whether omnibus shelter a "building"—Disused Burial Grounds Act, 1884, s. 3.
In re **St. Mark's Church, Lincoln,** K. M. MacMorran Q.C., Ch. [1956] P. 166; [1955] 3 W.L.R. 844.
Court of Arches [1956] P. 336; [1956] 3 W.L.R. 147.

CENTRAL LAND BOARD. *See* COMPULSORY PURCHASE.

CERTIFICATE. (*See also* BUILDING (**Contract**).)

Conclusive, whether

Building contract

Architect's certificate—To be final and conclusive—Power of arbitrator to reopen certificate—Royal Institute of British Architects Contract No. 6.
Windsor Rural District Council v. Otterway & Try Ld., Devlin J. [1954] 1 W.L.R. 1494.

Company

Shares—Valuation under article—Reasons given by auditor for valuation certificate—Court's power to consider reasons—Break-up value of assets—Control of company on sale of shares disregarded.
Dean v. Prince, Harman J. [1953] Ch. 590; [1953] 3 W.L.R. 271; (C.A. [1954] Ch. 409; [1954] 2 W.L.R. 538).

Nature of certificate

Engineer

Secondhand machines to be supplied with "Hunt Engineering Certificate that they have "been fully reconditioned to their satisfaction"—Inspection by Hunt Engineering Company on seller's instructions—Hunt reports to seller tendered as certificates—Breach of contract—Certificates in rem—Certificates in personam—Position of certifier—Whether duty not to influence certifier—Implied standard of quality—Meaning of "fully "reconditioned."
Minster Trust Ld. v. Traps Tractors Ld., Devlin J. [1954] 1 W.L.R. 963.

CERTIORARI

See CROWN PRACTICE.

CEYLON

Bastardy

"Access"

Absence of personal contact—Evidence Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 11), s. 112.
Kanapathipillai v. Parpathy, J.C. [1956] A.C. 580; [1956] 3 W.L.R. 584.

Breach of promise

Basis of action

Statutory requirement of promise "in writing"—Express written promise essential—Written evidence of previous oral promise insufficient—Limited admission of extrinsic evidence—Marriages (General) Ordinance (Legislative Enactments of Ceylon, 1938), s. 19 (3), proviso. **Udalagama v. Boange,** J.C. [1959] 3 W.L.R. 383.

CEYLON—*continued.*

Buddhist law

Buddhist temple—Gift of land to, by will

Conveyance to high priest—"Management" entrusted to will trustees—High priest's claim to income—Meaning of "management"—Buddhist Temporalities Ordinance (c. 222, Legislative Enactments of Ceylon, 1938 Rev.), s. 20.
Thero v. Wijewardena, J.C. [1960] A.C. 842; [1960] 2 W.L.R. 954.

Citizenship

Indian resident

Intention to settle permanently in Ceylon—Proof—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949 (as amended by Indian and Pakistani Residents (Citizenship) (Amendment) Act, No. 37 of 1950, s. 4), s. 22.
Tennekoon v. Duraisamy, J.C. [1958] A.C. 354; [1958] 2 W.L.R. 994.

Married male Indian and Pakistani residents—Qualifications—Position of wife and minor children—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, ss. 6 (1) (2) (ii), 22. **Wirasinha v. Badurdeen,** J.C. [1952] A.C. 623; [1952] 2 T.L.R. 610.

Indian Tamils

Franchise—Definitive legislation—Constitutional validity—"Pith and substance" rule—Alternative citizenship qualifications—Ceylon (Constitution and Independence) Order in Council, 1946, as amended to 1947, s. 29 (2) (*b*)—Citizenship Act, No. 18 of 1948, ss. 4, 5—Ceylon (Parliamentary Elections) Amendment Act, No. 48 of 1949, s. 4 (1) (*a*)—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949.
Pillai v. Mudanayake, J.C. [1953] A.C. 514; [1953] 2 W.L.R. 1142.

Collation

Hotchpot

Advancement of land—Option of heir to bring in property or its value—Title of purchaser of land advanced—(Ceylon) Matrimonial Rights and Inheritance Ordinance (Laws of Ceylon, 1938, c. 47). **Murugiah v. Jainudeen,** J.C. [1955] A.C. 145; [1954] 3 W.L.R. 682.

Contempt of court. *See* CONTEMPT OF COURT.

Criminal law

Criminal breach of trust as agent

No agency business—Substituted conviction and sentence—Penal Code of Ceylon, R.S. 1938, c. 15, ss. 389, 392.
Cooray v. The Queen, J.C. [1953] A.C. 407; [1953] 2 W.L.R. 965.

Criminal trespass

Proof of real or dominant intent—Penal Code (Legislative Enactments of Ceylon, 1938, c. 15), s. 427. **Sinnasamy Selvanayagam v. The King,** J.C. [1951] A.C. 83.

Murder

Manslaughter—Provocation—Defence of—Whether retaliatory act reasonably commensurate—Penal Code (Legislative Enactments of Ceylon, 1938, c. 15), s. 294.
Att.-Gen. of Ceylon v. Perera, J.C. [1953] A.C. 200; [1953] 2 W.L.R. 238.

Perjury

Summary statutory powers of court—Subsidiary investigation against witnesses during trial—Misconceived procedure—Criminal Procedure Code (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 440 (1) (4).
Subramaniam v. The Queen, J.C. [1956] 1 W.L.R. 456.

Crown practice

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Controller of Textiles—Cancellation of licence—"Reasonable grounds to believe" that dealer is unfit to hold licence—Whether certiorari will lie—Courts Ordinance, s. 42—Defence (Control of Textiles) Regulations, 1945, reg. 62.
Nakkuda Ali v. Jayaratne [1951] A.C. 66.

Crown servant

Contractual authority

Customs—Imperial Crown property—Erroneously treated as unclaimed—Sale by Principal Collector of Customs—No actual or ostensible authority—Whether Crown bound by statute by implication—Admission—Binding effect—Customs Ordinance (Legislative Enactments of Ceylon, 1938, c. 185), ss. 17, 22, 47, 108.
Att.-Gen. for Ceylon v. A. D. Silva, J.C. [1953] A.C. 461; [1953] 2 W.L.R. 1185.

Election petition

Lack of jurisdiction of election judge

No right of appeal to Judicial Committee—Ceylon (Parliamentary Elections) Order-in-Council, 1946 (as amended by Parliamentary Elections (Amendment) Act, No. 19, 1948, s. 3), ss. 81, 82, 82A, 82B, 82C, 82D.
Senanayake v. Navaratne, J.C. [1954] A.C. 640; [1954] 3 W.L.R. 336.

Evidence

Burden of proof

Criminal case—Ceylon Evidence Ordinance, s. 106.
Ng v. The Queen, J.C. [1958] A.C. 173; [1958] 2 W.L.R. 599.

CEYLON—*continued.*

Execution

Doctrine of exceptio rei venditae et traditae

Principle of, and application—Civil Procedure Code (Legislative Enactments of Ceylon, 1938 Rev., c. 86), s. 238—Construction.
Perera v. Perera, J.C. [1960] A.C. 571; [1960] 2 W.L.R. 652.

Insurance

Motor-car

Third party risks—Whether valid "notice of action"—Motor Car Ordinance, No. 45 of 1938, ss. 133, 134. **Ceylon Motor Insurance Association Ld. v. Thambugala,** J.C. [1953] A.C. 584; [1953] 3 W.L.R. 486.

Land

Agricultural land

Mortgage—Compliance with statutory requirements—"Debt" due under mortgage decree—Transfer of land to two transferees in satisfaction of debt due to one only—Invalid determination to acquire—Unjustified injunction to restrain acquisition—Appropriate procedure by way of certiorari—Land Commissioner not a corporation sole—Finality of determination—Land Redemption Ordinance, No. 61 of 1942, s. 3 (1) (*b*)—Land Redemption (Amendment) Ordinance, No. 62 of 1947, s. 3 (1) (*b*) (*c*)—Land Acquisition Act, 1950.
Land Commissioner v. Pillai, J.C. [1960] 3 W.L.R. 626.

———— Land held by paraveni nilakaraya—Transferred in satisfaction of mortgage debt—Paraveni nilakaraya an "owner"—Acquisition valid—"Owner," meaning of——Ninda lord—Right to services only—Declaration and publication of acquisition, form of—Land Redemption Ordinance, No. 61 of 1942, s. 3 (1) (*b*)—Land Acquisition Act, No. 9 of 1950, s. 5 (1)—Service Tenures Ordinance, No. 4 of 1870, s. 25.
Attorney-General of Ceylon v. Herath, J.C. [1960] A.C. 890; [1960] 3 W.L.R. 615.

———— Some only of mortgaged lands transferred in satisfaction of debt—Ordinance applicable—Decree prior to transfer—Debt remaining secured by mortgage—Land Redemption Ordinance, No. 61 of 1942 (as amended by Ordinance No. 62 of 1947), s. 3 (1) (*b*). **Land Commissioner v. Jayewardene,** J.C. [1960] 3 W.L.R. 643.

Prescription

Onus of proof—Partition decree—Obtained by fraudulent collusion—Decree conclusive against all persons—Claimant to prescriptive title—Entitled to damages only—Duty of court in partition action to investigate title—Duty of appeal court where investigation inadequate—Partition Ordinance, No. 10 of 1863, s. 9—Prescription Ordinance, No. 22 of 1871, s. 3. **Adamjee v. Sadeen,** J.C. [1957] A.C. 94; [1957] 2 W.L.R. 67.

Registration

Priorities—Unregistered deed of gift—Subject to fidei commissum—Subsequent registered deed of transfer by fiduciary for valuable consideration—Transfer effected before fiduciary had acquired title—Deed of gift still unregistered when fiduciary acquired title—Claim by subsequent fiduciaries to be co-owners of property and for partition—Priority of registered over unregistered deed—Land Registration Ordinance, No. 8 of 1863, ss. 38, 39. **Colombo Apothecaries' Co. Ltd. v. Peiris,** J.C. [1957] A.C. 116; [1957] 2 W.L.R. 60.

Master and servant

Negligence

Motor-car—Accident—Servant in control of car for purposes of employment—Driven by third party over whom servant had right of control—Vicarious liability of master.
Trust Co. Ltd. v. T. H. I. de Silva, J.C. [1956] 1 W.L.R. 376.

Mohammedan law

Gift of immovable property

Fidei commissum—Acceptance—Governed by Muslim law—Authority of mother of infant donee to accept. **Muheetha v. Leyaudeen,** J.C. [1953] A.C. 320; [1953] 2 W.L.R. 266.

Marriage

Validity—Hanafi sect—"Majority" for purpose of marriage—On attaining puberty—Whether wali necessary—Marriage and Divorce (Muslim) Ordinance, No. 27 of 1929, as amended by No. 9 of 1934 (Legislative Enactments of Ceylon, 1938, c. 99), s. 50.
Cader v. Razik, J.C. [1953] A.C. 285; [1953] 2 W.L.R. 1.

Perjury

Summary statutory powers of court

Construction and scope—Summary committal as for contempt—Criminal Procedure Code (Legislative Enactments of Ceylon, 1938, c. 16), ss. 439 (1), 440 (1)—Penal Code (Legislative Enactments of Ceylon, 1938, c. 15), s. 188.
Samaratunga v. The Queen, J.C. [1958] A.C. 424; [1958] 3 W.L.R. 4.

Revenue

Estate duty

Hindu undivided family—Mitakshara—Death in 1934 of son, one of two surviving coparceners—Ceylon assets of family business—Coparcener has no "share" in family property—His interest not "property passing" on his death—Not property of which he was "competent to dispose"—Not an interest "ceasing on his death"—Not liable to estate duty—Estate Duty Ordinance, No. 8 of 1919, ss. 7, 8 (1) (*a*) (*b*).
Att.-Gen. of Ceylon v. Ar. Arunachalam Chettiar (No. 1), J.C. [1957] A.C. 513; [1957] 3 W.L.R. 293.

CEYLON—*continued.*

Revenue (*Estate duty*)—*continued.*

Hindu undivided family—Mitakshara—Death in 1938 of sole surviving coparcener—Powers of adoption in widows exercised subsequently—Continuity of family preserved—Coparcener a member of Hindu undivided family at his death—Property in his hands "joint property of" the family—Statutory exemption from estate duty—Estate Duty Ordinance, No. 1 of 1938, s. 73.
Att.-Gen. of Ceylon v. Ar. Arunachalam Chettiar (No. 2), J.C. [1957] A.C. 513; [1957] 3 W.L.R. 304.

Income tax

Business—Cessation on death—Computation of statutory income—Correct statutory basis—Income Tax Ordinance (Legislative Enactments of Ceylon, 1938, c. 188), s. 11 (1), (2), (6) (*a*) (*b*). **Speldewinde v. Peiris,** J.C. [1958] Ch. 1; [1957] 3 W.L.R. 673.

Profits of trade—Omnibus company—Estimated assessment—Governing factors—(Ceylon) Income Tax Ordinance, c. 188 of 1932, as amended, ss. 4 (1), 64 (2), 69, 73 (4).
Gamini Bus Co. Ltd. v. Commissioner of Income Tax, J.C. [1952] A.C. 571.

Roman-Dutch law. *See* ROMAN-DUTCH LAW.

Specific performance

Contract

Land—Roman-Dutch law—Legal right to demand performance of contract—Overriding discretion of court to refuse—Right excluded by substituted obligation for damages.
Abdeen v. Thaheer, J.C. [1958] A.C. 116; [1958] 2 W.L.R. 350.

Undue influence

Deed of gift

Principles applicable. **Antony v. Weerasekera,** J.C. [1953] 1 W.L.R. 1007.

CHAMBERS. *See* OPEN COURT; PRACTICE.

CHANNEL ISLANDS

Jersey

Highway

Private road—Transfer to parish—Alternative methods—"Acte" of parish assembly accepting offer of transfer—Validity—Transfer by registered contract passed before court. **Nicolle v. Wigram,** J.C. [1954] A.C. 301; [1954] 2 W.L.R. 962.

CHAPMAN v. CHAPMAN

See TRUSTS (**Variation**).

CHARGE ON PROPERTY

See MORTGAGE.

CHARITY. (*See also* RATING; REVENUE (**Income tax**); TOWN PLANNING (**Development charge, exemption.**)

Aged, impotent and poor. (*See also* **Children**; **Class, gift for limited.**)

Aged

Gift for "the old people over sixty-five years of" a district—Words read disjunctively—Whether charitable bequest—Statute of Elizabeth I. 1601.
In re **Robinson, decd.,** Vaisey J. [1951] Ch. 198; [1951] 1 T.L.R. 132; [1950] 2 All E.R. 1148.

Trust fund for maintenance of an aged person in a nursing home—Whether charitable bequest—Statute of Elizabeth I, 1601.
In re **Bradbury,** Vaisey J. [1950] W.N. 558; [1951] 1 T.L.R. 130.

Blind

Bequest to "10 blind girls Tottenham residents if possible . . ."—Similar bequest to 10 blind boys—Relief of "aged, impotent and poor"—Words read disjunctively—Valid charitable bequest—Statute of Elizabeth I, 1601.
In re **Lewis, decd.,** Roxburgh J. [1955] Ch. 104; [1954] 3 W.L.R. 610.

Club members

Trust to provide grants and pensions to members of a members' club "who may fall "on evil days"—Validity. *In re* **Young, decd.,** Danckwerts J. [1955] 1 W.L.R. 1269.

Homes

Gift for provision of flats for persons over age of 65 years—Flats to be let at economic rents—General charitable intention—Validity.
In re **Cottam,** Danckwerts J. [1955] 1 W.L.R. 1299.

Relations

Bequest for "such relations" of son and daughters of testatrix as "shall be in "needy circumstances" and for such charitable objects as shall be appointed—Validity.
In re **Scarisbrick,** C.A. [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822.

Widows and orphaned children. (*See also* **Children.**)

Income of trust fund payable "to or for the benefit of . . . the widows and orphaned "children of deceased officers and deceased ex-officers" of a bank—Whether valid charitable trust.
In re **Coulthurst, decd.,** Vaisey J. [1951] Ch. 193; [1951] 1 T.L.R. 62.
C.A. [1951] Ch. 661; [1951] 1 T.L.R. 651; [1951] 1 All E.R. 774.

CHARITY—*continued.*

Aged, impotent and poor—*continued.*

Working classes

Gift "to provide dwellings for the working classes in the area of P."
In re **Sanders' Will Trusts,** Harman J. [1954] Ch. 265; [1954] 2 W.L.R. 487.

Agriculture

Bank

Will—Trust to establish bank—Primary object to assist planters with loans at low interest—Whether valid charitable trust—Construction—Not confined to "the general "improvement of agriculture"—Windward and Leeward Islands.
Hadaway v. Hadaway, J.C. [1955] 1 W.L.R. 16.

Children

Deprived of parents

Devise—Income to be applied "for the general benefit and general welfare" of children in local authority's home—Whether valid charitable trust created—Charitable Uses Act, 1601 (43 Eliz. 1, c. 4), preamble—Children and Young Persons Act, 1933, ss. 35, 44, 57, 61, 76—Children Act, 1948, ss. 1, 12, 15.
In re **Cole,** C.A. [1958] Ch. 877; [1958] 3 W.L.R. 447.

Gift of dwelling-house for use as children's home—Gift of fund for benefit of children in home—Whether valid charitable gifts—Charitable Uses Act, 1601, preamble.
In re **Sahal's Will Trusts,** Danckwerts J. [1958] 1 W.L.R. 1243.

Class, gift for limited

Charitable purposes generally

Company employees—Gift of income of residue to employees and ex-employees of company "in perpetuity for charitable purposes only"—Not a valid charitable bequest—Poverty, relief of—Class of beneficiaries.
In re **Cox, decd.,** J.C. [1955] A.C. 627; [1955] 3 W.L.R. 42.

Education

Company employees—Bequest for commercial education—Primary trust of public nature—Direction to prefer members of limited class—Employees of named firm—Validity.
In re **Koettgen's Will Trusts,** Upjohn J. [1954] Ch. 252; [1954] 2 W.L.R. 166.

Company employees' children—Trust for education of children of employees or former employees of company—Whether valid charitable bequest.
Oppenheim v. Tobacco Securities Trust Co. Ltd., H.L.(E.) [1951] A.C. 297;
[1951] 1 T.L.R. 118; [1951] 1 All E.R. 31.

Poverty, relief of

Bank officers' dependants—Income of trust fund payable "to or for the benefit of . . . "the widows and orphaned children of deceased officers and deceased ex-officers" of a bank—Whether valid charitable trust.
In re **Coulthurst, decd.,** Vaisey J. [1951] Ch. 193; [1951] 1 T.L.R. 62.
C.A. [1951] Ch. 661; [1951] 1 T.L.R. 651; [1951] 1 All E.R. 774.

Club members—Trust to provide grants and pensions to members of a members' club "who may fall on evil days"—Validity.
In re **Young, decd.,** Danckwerts J. [1955] 1 W.L.R. 1269.

Relations—Bequest for "such relations" of son and daughters of testatrix as "shall be in "needy circumstances" and for such charitable objects as shall be appointed—Validity.
In re **Scarisbrick,** C.A. [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822.

Religion

Property devised to "Presbyterians the descendants of those settled in the Colony "hailing from or born in the North of Ireland"—In trust to establish "college "for the education . . . of their youth" in specified religious standards—Whether a valid charitable devise—Beneficiaries fluctuating body of private individuals—Element of public benefit lacking.
Davies v. Perpetual Trustee Co. (Ltd.), J.C. [1959] A.C. 439;
[1959] 2 W.L.R. 673.

Trusts for "the promotion of the religious social and physical well-being of persons "resident in" named localities who "are members or likely to become members of the "Methodist Church"—No valid charitable trust—Assessment of conveyances to stamp duty—Statute of Charities, 1601—Finance Act, 1947, ss. 52 (1) (2), 54 (1).
Inland Revenue Comrs. v. Baddeley, Harman J. [1953] 1 W.L.R. 84;
C.A. [1953] Ch. 504; [1953] 3 W.L.R. 135;
H.L.(E.) [1955] A.C. 572; [1955] 2 W.L.R. 552.

Uncertainty

Gift for benefit of officers of navy, army and air force or their families—Validity.
In re **Meyers,** Harman J. [1951] Ch. 534; [1951] 1 T.L.R. 435; [1951] 1 All E.R. 538.

Costs. *See* Costs.

Cy-près doctrine

Accumulation unlawfully directed

General charitable intentions—Whether doctrine applicable—Law of Property Act, 1925, s. 164; Sch. 7. *In re* **Bradwell,** Roxburgh J. [1952] Ch. 575; [1952] 2 T.L.R. 96;
[1952] 2 All E.R. 286.

CHARITY—*continued.*

Cy-près doctrine—*continued.*

Donations to special fund

Archaeology—Society for conducting excavations in Egypt and publishing works—Whether charitable—Supervening impracticability of objects—Whether resulting trust for subscribers.
In re **British School of Egyptian Archaeology,** Harman J. [1954] 1 W.L.R. 546.

Hospital—Appeal for funds for erection and maintenance of hospital—Scheme impracticable—Whether funds held on resulting trust or to be applied cy-près—Presumed intention of donors—Whether donations for particular objective or with general charitable intent—Effect of mixing gifts from anonymous and identifiable sources.
In re **Ulverston and District New Hospital Building Trusts,** C.A. [1956] Ch. 622; [1956] 3 W.L.R. 559.

——————— Scheme impracticable after National Health Service Act, 1946.
In re **Hillier's Trusts,** Upjohn J. [1954] 1 W.L.R. 9; C.A. [1954] 1 W.L.R. 700.

Relief fund—Flood damage—Application of surplus assets—General charitable intention.
In re **North Devon and West Somerset Relief Fund Trusts,** Wynn-Parry J. [1953] 1 W.L.R. 1260.

Funds of old charity

Royal Charter, body incorporated by—Insufficient funds to maintain activities—Scheme to transfer premises and funds to another body. *In re* **Whitworth Art Gallery Trusts,** Vaisey J. [1958] Ch. 461; [1958] 2 W.L.R. 181.

Subject to gift over to other charity—Impossibility of complying strictly with terms of original trust—Application for a scheme—Delay in bringing applications—Power of court to direct a scheme—Whether discretionary—Effect of scheme upon the gift over.
In re **Hanbey's Will Trusts,** Danckwerts J. [1956] Ch. 264; [1956] 2 W.L.R. 23.

Voluntary fire brigade—Assets purchased by National Fire Service—Disposal of proceeds of sale. *In re* **Wokingham Fire Brigade Trusts,** Danckwerts J. [1951] Ch. 373; [1951] 1 T.L.R. 446; [1951] 1 All E.R. 454.

Legacy or devise

General charitable intention—Public bequest—Home for aged and infirm Shetland seamen or hospital—Impossibility of literal fulfilment.
Hay v. Murdoch, H.L. (Sc.) [1952] W.N. 145.

Gift to charitable institution—Institution not identifiable—Residuary gift to another charity—No general charitable intention.
In re **Goldschmidt, decd.,** Harman J. [1957] 1 W.L.R. 524.

Limited period, gift for

Gift over void for remoteness—Applicability of cy-près doctrine—Necessity for finding general charitable intention.
In re **Cooper's Conveyance Trusts,** Upjohn J. [1956] 1 W.L.R. 1096.

Residuary bequest

Amalgamation—Bequest to non-existent association—Bequest for general purposes of named charity—Informal amalgamation with another charity having similar objects—Whether lapse. *In re* **Dawson's Will Trusts,** Vaisey J. [1957] 1 W.L.R. 391.

——————— Gift to hospital—Hospital closed and assets transferred to another hospital between date of will and death of testator—No formal scheme of amalgamation—Effectiveness of gift.
In re **Hutchinson's Will Trusts,** Upjohn J. [1953] Ch. 387; [1953] 2 W.L.R. 872.

Ambiguous description—Clear charitable intention—Description equally applicable to two institutions—Cy-près application—Equal division between the two possible beneficiaries.
In re **Songest, decd.,** C.A. [1956] 1 W.L.R. 897, 1311.

" General charitable intention "—Express—Ineffective.
In re **Sanders' Will Trusts,** Harman J. [1954] Ch. 265; [1954] 2 W.L.R. 487.

Gift as opposed to trust—Royal prerogative—Bequest to non-existent body—No trusts in the will—Charitable intention—Whether application by way of scheme or under royal prerogative. *In re* **Bennett, decd.,** Vaisey J. [1960] Ch. 18; [1959] 3 W.L.R. 427.

Insufficient fund—Half of residue to establish cottage hospital—General charitable intent—Application cy-près.
In re **Whittaker,** Harman J. [1951] W.N. 549; [1951] 2 T.L.R. 955.

Surplus fund—Whole of residue given for specific charitable purpose—Seating for church—Fund more than sufficient—Surplus applicable cy-près.
In re **Raine, decd.,** Vaisey J. [1956] Ch. 417; [1956] 2 W.L.R. 449.

Closure of school—Whether resulting trust for successor of grantor.
Bankes v. Salisbury Diocesan Council of Education Incorporated, Russell J. [1960] Ch. 631; [1960] 2 W.L.R. 916.

CHARITY—*continued.*

Education. (*See also* **Class gift.**)

Alphabet

Trust for inquiries into practicability and effect of substituting proposed new alphabet for present alphabet of 26 letters—Trust for transliterating literary work into proposed new alphabet and publishing it page by page with lettering of present alphabet opposite thereto—Whether charitable. *In re* **Shaw, decd.,** Harman J. [1957] 1 W.L.R. 729.

Archaeology

Society for conducting excavations in Egypt and publishing works—Whether charitable—Supervening impracticability of objects—Whether resulting trust for subscribers.
In re **British School of Egyptian Archaeology,** Harman J. [1954] 1 W.L.R. 546.

Art

Bequest to bring "masterpieces of fine art within the reach of the Irish people of all "classes . . ."—"The teaching . . . of self-control, elocution, oratory, deportment, the "arts of personal contact, of social intercourse, and the other arts of public, private, "professional and business life"—Whether valid charitable trust.
In re **Shaw's Will Trusts,** Vaisey J. [1952] Ch. 163; [1952] 1 All E.R. 49.

Boy Scouts movement

Validity of bequest. *In re* **Webber. Barclays Bank v. Webber,** Vaisey J. [1954] 1 W.L.R. 1500

Company employees. See **Class, gift for limited.**

Music. (*See also Singing.*)

Bequest to advance work of musical composer—Bequest by composer's wife—Validity.
In re **Delius, decd.,** Roxburgh J. [1957] Ch. 299; [1957] 2 W.L.R. 548.

Political

Trust for public instruction in forms of government—Trustees to be members of political society—Whether charitable.
In re **Arthur McDougall Fund Trusts,** Upjohn J. [1957] 1 W.L.R. 81.

Public taste

Non-profit-making theatrical company—Objects including presentation of "classical, artistic, cultural and educational dramatic works . . ."—"To do all . . . things as are incidental . . . to the attainment of any of the . . . objects"—Not charitable body—Income Tax Act, 1952, s. 448 (1) (*c*).
Associated Artists Ltd. v. Inland Revenue Comrs., Upjohn J. [1956] 1 W.L.R. 752.

Religious. See **Class; Religion.**

School site

Land granted for school—Closure of school—Reverter of land under School Sites Act—Possessory title claimed by vicar and churchwardens—Sale of land—Declaration by trustees that proceeds of sale held on fresh trusts—Original trusts not terminated by closure of school—School Sites Act, 1841, ss. 2, 7—Endowed Schools Act, 1869, s. 5 (as amended by the Education (Miscellaneous Provisions) Act, 1948).
In re **Ingleton Charity,** Danckwerts J. [1956] Ch. 585; [1956] 3 W.L.R. 369.

Singing

Trusts for encouragement of singing and advancement or study of organ music—Validity.
In re **Levien,** Danckwerts J. [1955] 1 W.L.R. 964.

Zoological Society

Objects—Advancement of education—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
In re **North of England Zoological Society,** Vaisey J. [1958] 1 W.L.R. 1258; C.A. [1959] 1 W.L.R. 73.

Endowment or gift to members of association

Charitable and non-charitable purposes

Trust for "Order of Nuns of the Catholic Church or the Christian Brothers"—Non-charitable orders among "orders of nuns"—Gift an endowment to order selected—Orders perpetual in form—Conveyancing Act, 1919–54 (N.S.W.), s. 37D.
Leahy v. Attorney-General (N.S.W.), J.C. [1959] A.C. 457; [1959] 2 W.L.R. 722.

Health. (*See also* **Cy-près doctrine; Recreation**; NATIONAL HEALTH SERVICE.)

Benevolent purpose

Trusts in favour of hospitals—Power to trustees if hospital "amalgamated with or "absorbed in any other charity or institution" to pay its share to or for the benefit of that charity or institution or for "other objects or purposes of charity or benevolence "or amelioration of human suffering or advancement of knowledge."
In re **Bawden's Settlement,** Danckwerts J. [1954] 1 W.L.R. 33n.

Nursing

Royal College of Nursing—Claim for rating relief—Two main objects—Object "advance of nursing as a profession"—Whether charitable—Meaning.
Royal College of Nursing v. St. Marylebone Borough Council, Divl.Ct. [1958] 1 W.L.R. 95. C.A. [1959] 1 W.L.R. 1077.

Relief of suffering

Research work into "the cause of cancer" and "a cure for cancer"—Payments to discoverers—Whether charitable.
In re **Watson's Settlement Trusts,** Roxburgh J. [1959] 1 W.L.R. 732.

CHARITY—*continued.*

Health—*continued.*

Royal College of Surgeons

Whether college charitable institution.

In re **Bland-Sutton's Will Trusts,** Danckwerts J. [1951] Ch. 70; 66 T.L.R. (Pt. 2) 519; [1950] 2 All E.R. 466.
C.A. [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494.
Sub nom. **Royal College of Surgeons of England v. National Provincial Bank Ltd.,** H.L.(E.) [1952] A.C. 631; [1952] 1 T.L.R. 978; [1952] 1 All E.R. 984.

Imperfect trust provision

Armed forces associations

Residuary gift to "institutions and associations having for their main object the "assistance and care" of wounded or incapacitated servicemen—Unascertained class of potential beneficiaries—Whether charitable—Gift for division between charitable and non-charitable or not wholly charitable associations—Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (1) (2), 2 (1).

Memorial fund

Marine cadets killed in road accident—Trusts for paying funeral expenses, care of disabled and "other worthy causes"—Void for uncertainty—Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (1), 2 (1).

In re **Gillingham Bus Disaster Fund,** Harman J. [1958] Ch. 300; [1957] 3 W.L.R. 1069.
C.A. [1958] 3 W.L.R. 325.
In re **Harpur's Will Trusts,** Cross J. [1960] Ch. 38; [1960] 3 W.L.R. 607.

Income tax. *See* REVENUE.

Income, gift of

Indefinite gift in perpetuity

Whether charity entitled to capital

In re **Levy, decd.,** C.A. [1960] Ch. 346; [1960] 2 W.L.R. 278.

Invalid bequest. *See* ADMINISTRATION OF ESTATES (**Distribution of assets**).

Investments

Rules

Scope of power to invest outside trustee securities.

In re **Tobacco Trade Benevolent Association Charitable Trusts,** Harman J. [1958] 1 W.L.R. 1113.

Statutory charity

Powers of investment regulated by special Act of 1850—Application for wider powers of investment—Whether permissible—Trustee Act, 1925, s. 57.

In re **Shipwrecked Fishermen and Mariners' Royal Benevolent Society,** Danckwerts J. [1959] Ch. 220; [1958] 3 W.L.R. 701.

Variation

Charity established by scheme—Power to alter scheme provided that no "deviation from "the main principles"—Purported alteration of investment clause—Whether power to alter investment clause—Whether permitted range of investments one of "main principles" of scheme.

In re **Jewish Orphanage Charity Endowments Trusts,** Cross J. [1960] 1 W.L.R. 344.

Scheme—Single body of trustees of numerous charities—Separate trust funds—Application by trustees to combine funds into one fund—Application to enlarge scope of permissible investments—Jurisdiction of court to sanction such applications by way of scheme—Special jurisdiction confined to charities *In re* **Royal Society's Charitable Trusts,** Vaisey J. [1956] Ch. 87; [1955] 3 W.L.R. 342.

——— Special jurisdiction confined to charities—Interim order to take effect "unless and "until the law regulating the investment of trust moneys generally is amended by "Parliament"—Review of investments by professional adviser.

In re **Royal Naval and Royal Marine Children's Homes, Portsmouth,** Roxburgh J. [1959] 1 W.L.R. 755.

Whether power to alter scheme includes power to enlarge investment clause.

In re **Jewish Orphanage Charity Endowments Trusts,** Cross J. [1960] 1 W.L.R. 344.

Land held on trust for

Powers of trustees

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In re **St. Swithin's, Norwich,** Ellison Ch. [1960] P. 77; [1959] 3 W.L.R. 989.

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In re **Wright,** Roxburgh J. [1954] 2 W.L.R. 481;
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——————— Vested reversion liable to be divested—Whether bequest practicable—Form of inquiry. *In re* **Tacon,** C.A. [1958] Ch. 447; [1958] 2 W.L.R. 66.

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In re **White's Will Trusts,** Upjohn J. [1955]Ch. 188; [1954] 3 W.L.R. 314.

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In re **Spensley's Will Trusts,** Vaisey J. [1952] Ch. 886; [1952] 1 T.L.R. 1435;
[1952] 2 All E.R. 49.
C.A. [1954] Ch. 233; [1954] 2 W.L.R. 145.

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" For purpose of providing some useful memorial to myself "—Whether valid charitable trust. *In re* **Endacott, decd.,** C.A. [1960] Ch. 232; [1959] 3 W.L.R. 799.

Bequest " to the bishop for the time being of the diocese of the Windward Islands "—" To be used by him as he thinks fit in his diocese "—Whether valid charitable trust.
In re **Rumball, decd.,** C.A. [1955] 1 W.L.R. 1037.

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In re **Wokingham Fire Brigade Trusts,** Danckwerts J. [1951] Ch. 373;
[1951] 1 T.L.R. 446; [1951] 1 All E.R. 454.

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Police athletic association—Profits of annual sports meeting—" Established for charitable " purposes only "—Finance Act, 1921, s. 30 (1) (c), (3)—Finance Act, 1927, s. 24.
Inland Revenue Comrs. v. City of Glasgow Police Athletic Association,
H.L.(Sc.) [1953] A.C. 380; [1953] 2 W.L.R. 625.

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Derbyshire Miners' Welfare Committee v. Skegness Urban District Council,
Divl.Ct. [1957] 1 W.L.R. 764.

Home of rest

Gift to provide a " home of rest " for nurses of named hospital—Validity—Hospital now forming part of group of teaching hospitals—To whom gift payable—National Health Service Act, 1946, s. 60.
In re **White, decd.,** Harman J. [1951] W.N. 152; [1951] 1 All E.R. 528.

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Gift for a parish—Intention the maintenance and improvement of the health and welfare of the inhabitants—Whether valid charitable gift—Sports grounds already in existence —Application cy-près. *In re* **Morgan, decd.,** Harman J. [1955] 1 W.L.R. 738.

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Inland Revenue Comrs. v. Baddeley, Harman J. [1953] 1 W.L.R. 84;
C.A. [1953] Ch. 504; [1953] 3 W.L.R. 135;
H.L.(E.) [1955] A.C. 572; [1955] 2 W.L.R. 552.

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United Grand Lodge of Freemasons—Whether main object "the advancement of "religion." **United Grand Lodge of Ancient Free and Accepted Masons of England v. Holborn Borough Council,** Divl.Ct. [1957] 1 W.L.R. 1080.

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Benefit to individuals but not to public—Not valid charitable trust. *In re* **Warre's Will Trusts,** Harman J. [1953] 1 W.L.R. 725.

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Charitable corporation incorporated by Royal Charter—Power to make and alter by-laws provided that the original or substituted by-laws be reasonable and not contrary to law—Status and duties of trustees—Proposed amendment enabled trustees to charge fees for professional work—Whether amendment permissible. *In re* **French Protestant Hospital,** Danckwerts J. [1951] Ch. 567; [1951] 1 T.L.R. 785; [1951] 1 All E.R. 938.

Unincorporated association—No power in original rules to alter rules—Subsequent purported alterations to rules—Whether effective. *In re* **Tobacco Trade Benevolent Association Charitable Trusts,** Harman J. [1958] 1 W.L.R. 1113.

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"Sale"—Contract for sale by trustees of part of charity estate—Consent of Charity Commissioners not obtained—Repudiation of contract by purchaser—Whether sale made by contract or conveyance—Charitable Trusts Amendment Act, 1855, s. 29. **Milner v. Staffordshire Congregational Union (Incorporated),** Danckwerts J. [1956] Ch. 275; [1956] 2 W.L.R. 556.

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Scheme for administration made under statute and approved by Order in Council—Article of scheme enabling Charity Commissioners to modify it "by schemes made in the "exercise of their ordinary jurisdiction"—Application to court to modify scheme—Jurisdiction of court—Charitable Trusts Act, 1860, ss. 2, 3, 4, 5—City of London Parochial Charities Act, 1883, s. 34. **London Parochial Charities Trustees v. Attorney-General,** Roxburgh J. [1955] 1 W.L.R. 42.

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Pictorial coupons given away with goods—Free gift for collection of series—Purchase tax. **Stephenson Bros. Ltd. v. Comrs. of Customs and Excise,** Roxburgh J. [1953] 1 W.L.R. 335.

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Army hut

Bolted to concrete bed—Whether "attached to or forming part of realty"—Larceny Act, 1916, s. 1 (3). **Billing v. Pill,** Divl.Ct. [1954] 1 Q.B. 70; [1953] 2 W.L.R. 758.

Building contractors' huts

Huts not affixed to ground—Whether part of hereditament. **London County Council v. Wilkins,** C.A. [1955] 2 Q.B. 653; [1955] 2 W.L.R. 1095. H.L.(E.) [1957] A.C. 362; [1956] 3 W.L.R. 505.

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Approved school order

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Girl under 17 sent to approved school—Appeal to quarter sessions—Girl then over 17—Jurisdiction to confirm order—Children and Young Persons Act, 1933, ss. 61, 62—Summary Jurisdiction (Appeals) Act, 1933, s. 1.
Drover v. Rugman, Divl.Ct. [1951] 1 K.B. 380; 66 T.L.R. (Pt. 2) 699; [1950] 2 All E.R. 575.

Residence

Child resident in institution when order made—Home in which he lived before entering institution no longer in existence—Appropriate authority to be named in approved school order—Children and Young Persons Act, 1933, ss. 70 (2) and proviso, 90 (2).
Barnsley Corporation v. Lancashire County Council, Divl.Ct. [1957] 1 Q.B. 123; [1956] 3 W.L.R. 820.

Local authority named as that of offender's residence—Appeal—Variation of order by quarter sessions—No power to substitute name of local authority in whose area offence was committed—Children and Young Persons Act, 1933, ss. 70 (2), 90 (2).
Isle of Wight County Council v. Warwickshire County Council, Divl.Ct. [1953] 1 Q.B. 553; [1953] 2 W.L.R. 451.

Care of

Child received into care by local authority

Child boarded out under statutory agreement—Refusal of foster-mother to deliver up child to local authority—Child made a ward of court on summons issued by foster-mother—Jurisdiction of Chancery Division to consider welfare of child—Children Act, 1948, ss. 1, 2, 13—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9.
In re **M. (An Infant),** Cross J. [1961] Ch. 81; [1960] 3 W.L.R. 1045.

Order committing child to care of local authority

Child boarded out under statutory agreement—Desire of mother to place child in home of putative father—Refusal of foster-parents to deliver up child—Whether local authority entitled to recover child from foster-parents—Jurisdiction of court—Welfare of child—Duties of local authority in relation to children—" Care "—Children Act, 1948, ss. 1, 13—Children and Young Persons (Boarding-Out) Rules, 1946, rr. 4, 8 (1), Sch.
In re **A. B. (an infant),** Divl.Ct. [1954] 2 Q.B. 385; [1954] 3 W.L.R. 1.

Need for order to state that consent of local authority obtained—Children and Young Persons Act, 1933, s. 76, as amended by Children Act, 1948, s. 5 (1).
Reg. v. Darlington County Borough Juvenile Court. *Ex parte* **West Hartlepool Corporation,** Divl.Ct. [1957] 1 W.L.R. 363.

Foster-children

Meaning

Residential school—Fees paid by parents or local authorities—Parental control not relinquished—Not " living apart " from parents—Not " foster-children "—" Nursing " and maintenance "—" Nursing " not confined to sick nursing—Public Health Act, 1936, s. 206 (1), (3).
Wallbridge v. Dorset County Council, Lloyd-Jacob J. [1954] Ch. 659; [1954] 2 W.L.R. 1068.

Need of care and protection

Moral delinquency

Issue of lack of proper parental care and guardianship—Parents unaware of boys' conduct—No evidence against parents—Children and Young Persons Act, 1933, ss. 61, 62.
Bowers v. Smith, Divl.Ct. [1953] 1 W.L.R. 297.

Sentence for offence

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Driving motor-car while disqualified—Sentence of imprisonment—Defendant aged 20—Effect of Criminal Justice Act, 1948—Road Traffic Act, 1930, s. 7 (4)—Criminal Justice Act, 1948, s. 17 (2)—Magistrates' Courts Act, 1952, s. 107 (2).
Davidson-Houston v. Lanning, Divl.Ct. [1955] 1 W.L.R. 858.

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Competency

Husband charged with arson of wife's property—Competence of wife as witness—" Offence " involving bodily injury to child "—Child in house set on fire—Criminal Evidence Act, 1898, s. 4 (1)—Children and Young Persons Act, 1933, Sch. I.
Regina v. Moore, Pearson J. [1954] 1 W.L.R. 893.

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CHOSE IN ACTION. *See* Assignment; Chattel; Conflict of Laws; Debt.

CINEMATOGRAPH

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Registration as British film

"Maker"—Person by whom arrangements for making undertaken—Agreement with American company to produce film with finance and all facilities from American company—Cinematograph Films Act, 1938, ss. 25 (1) (*a*), 44 (1).
In re **F. G. (Films) Ld.,** Vaisey J. [1953] 1 W.L.R. 483.

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CLAYTON'S CASE, RULE IN
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Applicability in local circumstances

Prerogative grant of pontage—Protectorate of Kenya.
Nyali Ld. v. Attorney-General, C.A. [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649.
(H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341).

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Leong v. Chye, J.C. [1955] A.C. 648; [1955] 3 W.L.R. 303.

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Straits Settlements—Judge of Supreme Court—Normal retiring age 62—Judge required to retire before attaining 62—Whether contract by Crown to employ judge until age of 62—Right of Crown to dismiss at pleasure—Act of Settlement, 1700, s. 3—Straits Settlements Act, 1866, ss. 2, 3. **Terrell v. Secretary of State for the Colonies,**
Lord Goddard C.J. [1953] 2 Q.B. 482;
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Declaratory judgment **J. H. Vantol Ltd. v. Fairclough Dodd & Jones Ltd.,**
McNair J. [1955] 1 W.L.R. 642
(C.A. [1955] 1 W.L.R. 1302; H.L. [1957] 1 W.L.R. 136).

Speed

Judgment delivered 11 days after issue of writ.
British Imex Industries Ltd. v. Midland Bank Ltd., Salmon J. [1958] 1 Q.B. 542;
[1958] 2 W.L.R. 103.

Judgment four months after issue of writ—Reversed on appeal twelve months later.
Louis Dreyfus & Cie v. Parnaso Cia. Naviera S.A., Diplock J. [1959] 1 Q.B. 495;
[1959] 2 W.L.R. 405.
C.A. [1960] 2 Q.B. 49; [1960] 2 W.L.R. 637.

Superiority to arbitration

Advantages of commercial court—Failure to make use of process of commercial court.
Peter Cassidy Seed Co. Ltd. v. Osuustukkukauppa I.L.,
Devlin J. [1957] 1 W.L.R. 273.

Questions of mixed fact and law. **Universal Cargo Carriers Corporation v. Citati,**
Devlin J. [1957] 2 Q.B. 401;
[1957] 2 W.L.R. 713.

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COMMONWEALTH RELATIONS OFFICE. *See* CONFLICT OF LAWS (**Sovereign immunity**).

COMPANY. (*See also* CORPORATION.)

Amalgamation

Meaning *In re* **Bawden's Settlement**, Danckwerts J. [1954] 1 W.L.R. 33n.; *In re* **Hayes' Will Trusts**, Vaisey J. [1954] 1 W.L.R. 22.

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Opposition by minority shareholder—Statutory notice pursuant to offer to acquire shares by transferee company—Application by dissenting shareholder—Compulsory sale of shares—Discretion of court—Purchase order—Companies Act, 1948, s. 209 (1).
In re **Bugle Press Ltd.**, Buckley J. [1960] 2 W.L.R. 658.
C.A. [1961] Ch. 270; [1960] 3 W.L.R. 956.

Scheme for acquisition of shares by transferee company—Offer expressed to be open for less than three weeks—Statutory provision for approval within four months after making of offer—Approval by holders of nine-tenths in value of shares of transferee company—Statutory notice to dissenting shareholder of compulsory acquisition—Meaning of "within four months of the making of the offer"—Companies Act, 1948, s. 209 (1).
In re **Western Manufacturing (Reading) Ltd.**,
Wynn-Parry J. [1956] Ch. 436; [1956] 2 W.L.R. 437.

Scheme for acquisition of shares by transferee company—Proposed merger of two shipping companies—Circular containing offer by new company to acquire shareholdings and stockholdings of both companies and issue it own shares in exchange—"Form of application and transfer" sent with circular—Whether circular a "prospectus"—Meaning of "subscription"—Companies Act, 1948, ss. 37, 38 (3), 55 (2), 455 (1).
Governments Stock and Other Securities Investment Co. Ltd. v. Christopher, Wynn-Parry J. [1956] 1 W.L.R. 237.

Transfer of rights and duties—Continuation by transferor company of duties as executors—Companies Act, 1948, ss. 206 and 208—Public Trustee Rules, 1912, as amended, r. 30.
In the Estate of Skinner, decd., Sachs J. [1958] 1 W.L.R. 1043.

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Auditor

Whether agent of company

Statute-barred debt—Reference to debt in balance-sheet—Whether acknowledgment—Auditors' certificate of balance-sheets—Limitation Act, 1939, ss. 23, 24—Companies Act, 1948, s. 162 (1).
In re **Transplanters (Holding Company) Ltd.**, Wynn-Parry J. [1958] 1 W.L.R. 822.

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"Officer"—"Public officer"—Larceny Act, 1861, ss. 83, 84—Companies Act, 1948, ss. 159, 328 (1) (*j*), 330 (*a*), 331, 333.
Reg. v. Shacter, C.C.A [1960] 2 Q.B. 252; [1960] 2 W.L.R. 258.

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Purchase in consideration of issue of shares and debenture stock—Whether Treasury sanction necessary—Borrowing (Control and Guarantees) Act, 1946, s. 4 (2)—Control of Borrowing Order, 1947, art. 2 (1) (*b*).
London and Country Commercial Properties Investments Ld. v. Att.-Gen.,
Upjohn J. [1953] 1 W.L.R. 312.

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Invitation to apply for shares—Return of subscribers' money—"Should . . . conditions "not be fulfilled . . . moneys will be refunded and meanwhile . . . retained in a "separate account"—Conditions not fulfilled and scheme abandoned—Money subscribed not part of company's general assets—Subscribers entitled to return of their money—Companies Act, 1948, s. 51.
In re **Nanwa Gold Mines Ld.**, Harman J. [1955] 1 W.L.R. 1080.

Issue of ordinary shares—Distribution to ordinary shareholders—Whether preference shareholders' rights "affected"—Construction of articles of association.
In re **John Smith's Tadcaster Brewery Co. Ltd.**, Danckwerts J. [1952] W.N. 501; [1952] 2 T.L.R. 853; [1952] 2 All E.R. 751.
C.A. [1953] Ch. 308; [1953] 2 W.L.R. 516.

Issue of preference and ordinary shares to ordinary shareholders—Notice summoning general meeting of ordinary shareholders to authorize—Action by preference stockholder for injunction—Whether preference stockholder's rights "affected"—Articles of Association, arts. 62, 68. **White v. Bristol Aeroplane Co. Ld.**, C.A. [1953] Ch. 65; [1953] 2 W.L.R. 144.

Stamp duty—Capital duty—Exemption—Increase of capital of English company for acquisition of share capital of foreign company—Whether foreign company an "existing "company"—Northern Ireland—Stamp Act, 1891, ss. 112, 113—Finance Act, 1927, s. 55. **Nestlé Co. Ld. v. Inland Revenue Comrs.**, C.A. [1953] Ch. 395; [1953] 2 W.L.R. 786.

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Capital—*continued.*

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Colliery company—Assets of company taken over by National Coal Board—Preference capital reduced on footing that right unaffected to claim adjustment of compensation—Resolution for repayment of preference stock in full—Validity—Whether reduction just and equitable—Terms of earlier company's circular—Companies Act, 1948, ss. 66, 67—Coal Industry Nationalization Act, 1946, s. 25.
In re **Old Silkstone Collieries Ld.,** C.A. [1954] Ch. 169; [1954] 2 W.L.R. 77.

Conditional resolution—Resolutions that upon "reductions of capital taking effect" operations to take place not requiring sanction of court preceding operation requiring sanction of the court—All operations requiring sanction of the court to be treated as preceding conditional resolution—Not correct procedure when operations not requiring sanction of court part of scheme of reduction of capital—Companies Act, 1948, ss. 61, 66, 67, 69.
In re **Castiglione, Erskine & Co. Ltd.,** Roxburgh J. [1958] 1 W.L.R. 688.

Defective special resolution—Short notice—Second resolution for payment of premium on paid off preference shares submitted to meeting—Written consent by shareholders to second resolution—Whether effective to cure defect in initial notice—Subsequent consent by all shareholders to both resolutions being treated as valid—Whether sufficient basis for confirmation of reduction of capital—Companies Act, 1948, s. 14 (2).
In re **Pearce, Duff & Co. Ltd.,** Buckley J. [1960] 1 W.L.R. 1014.

Form of minute—Share premium account written off—Whether reference in minute required—Companies Act, 1948, ss. 4, 56 (1), 69 (1).
In re **Paringa Mining and Exploration Co. Ltd.,** Wynn-Parry J. [1957] 1 W.L.R. 1143.

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Ex parte **Westburn Sugar Refineries Ltd.,** H.L.(Sc.) [1951] A.C. 625; [1951] 1 T.L.R. 728; [1951] 1 All E.R. 881.

Practice—Scheme of arrangement and reduction of capital—Petition for sanction of court—Whether necessary to aver that company carrying on business—Companies Act, 1948, s. 206. *In re* **Great Universal Stores Ltd.,** Roxburgh J. [1960] 1 W.L.R. 78.

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Company surtax purposes

Whether control related to beneficial ownership—Finance Act, 1922, s. 21 (6)—Finance Act, 1936, s. 19 (1) (*a*)—Finance Act, 1937, s. 14 (1)—Income Tax Act, 1952, ss. 245, 256. **Inland Revenue Comrs. v. Harton Coal Co. Ltd.,** Pennycuick J. [1960] Ch. 563; [1960] 3 W.L.R. 414.

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Trustee shareholder—Register of members—Whether conclusive—Finance Act, 1940, s. 55.
Barclays Bank Ltd. v. Inland Revenue Comrs., Danckwerts J. [1959] Ch. 341, 659; [1959] 2 W.L.R. 99.
C.A. [1959] 3 W.L.R. 240.
H.L.(E.) [1960] 3 W.L.R. 280.

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Debenture

Receiver

Appointment by debenture holder—Whether "manager" or "officer of the company" for purpose of misfeasance proceedings—Ambit of misfeasance proceedings—Companies Act, 1948, ss. 333 (1), 455.
In re **B. Johnson & Co. (Builders) Ld.,** C.A. [1955] Ch. 634; [1955] 3 W.L.R. 269

Director

Authority

Power of board of directors to delegate their powers to single director—No delegation—Contract made with firm by single director—Repudiation by company—Firm's ignorance of power to delegate—No ostensible or apparent authority—Company not liable.
Rama Corporation Ltd. v. Proved Tin and General Investments Ltd., Slade J. [1952] 2 Q.B. 147; [1952] 1 T.L.R. 709; [1952] 1 All E.R. 554.

Damages

Injured owing to negligence—Loss of profits by company due to director's absence through injury—Director's receipts from company diminished accordingly—Claim for damages in respect of such loss.
Lee v. Sheard, C.A. [1956] 1 Q.B. 193; [1955] 3 W.L.R. 951

Managing director

Service agreement for ten years—Resolution of company removing from directorship and terminating appointment as managing director—Whether breach of contract—Companies Act, 1929, Sch. I, Table A, art. 68.
Shindler v. Northern Raincoat Co. Ltd., Diplock J. [1960] 1 W.L.R. 1038.

Terms of appointment—Subsequent restriction of duties—No breach of contract—Companies Act, 1948, Sch. I, Table A, paras. 107, 109.
Harold Holdsworth & Co. (Wakefield) Ld. v. Caddies, H.L.(Sc.) [1955] 1 W.L.R. 352

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Director (*Managing Director*)—*continued.*

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Lee v. Lee's Air Farming Ltd., J.C. [1961] A.C. 12; [1960] 3 W.L.R. 758.

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Notice—Article providing " appointment shall be determined ipso facto "—Companies Act, 1929, Sch. I, Table A, art. 68.
Read v. Astoria Garage (Streatham) Ltd., Harman J. [1952] W.N. 185; [1952] 1 T.L.R. 1059; [1952] 1 All E.R. 922.
C.A. [1952] Ch. 637; [1952] 2 T.L.R. 130; [1952] 2 All E.R. 292.

Proprietary interest—Director's action alleging removal wrongful—Preliminary point that action misconceived—Whether plaintiff having sufficient proprietary interest to maintain action. **Hayes v. Bristol Plant Hire Ltd.**, Wynn-Parry J. [1957] 1 W.L.R. 499.

Vacancy

Retirement of one director—Appointment of " additional " director—Whether vacancy still subsisting. **Zimmers Ltd. v. Zimmer**, Parker J. [1951] W.N. 600.

Dissolution by withdrawal of name from register. *See* **Register.**

Foreign company

Bank

Dissolution by Russian decrees—Winding up order in England—Debts of bank situate in Russia—Securities deposited with bank in Russia—Effect of confiscatory decrees—Legal services to company after dissolution but before winding up—Non-existence of company—Agency of necessity—Counsel—Desirability of briefing leader.
In re **Banque des Marchands de Moscou (Koupetschesky)**, Vaisey J. C.D. [1952] W.N. 151; [1952] 1 T.L.R. 739; [1952] 1 All E.R. 1269.

Mortmain. See MORTMAIN.

Trading with the enemy. See TRADING WITH THE ENEMY.

Winding up. See **Winding up.**

Formation

Contract

Company in process of formation—Contract of sale purporting to be made by company—Signature of future director below name of company—Whether director could enforce contract. **Newborne v. Sensolid (Great Britain) Ltd.**, Parker J. [1952] W.N. 491; [1952] 2 T.L.R. 763.
C.A. [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596.

Income tax. *See* REVENUE.

Investigation of affairs

Motion

Notice—Board of Trade, how notified—R.S.C., Ord. 53B, r. 7 (*c*)—Companies Act, 1948, s. 165. **Practice Direction (Companies Court)**, Ch.D. [1954] 1 W.L.R. 563.

Meeting

Adjournment

Motion to adjourn for 30 days—Poll demanded and taken—Result to be announced later as meeting-hall to be vacated—If poll against adjournment another meeting to be held as soon as possible—Poll against adjournment—Whether meeting to be convened in due course a continuation of original meeting.
Jackson v. Hamlyn, Upjohn J. [1953] Ch. 577; [1953] 2 W.L.R. 709.

Jurisdiction of court to order

Annual general meeting—Failure of directors to hold—Application by shareholder to court to direct holding of meeting—Opposition by directors—" If for any reason it is impracticable to call a meeting of the company "—" Impracticable," meaning of—Companies Act, 1948, s. 135 (1).
In re **El Sombrero Ltd.**, Wynn-Parry J. [1958] Ch. 900; [1958] 3 W.L.R. 349.

Quorum

Quorum present at beginning of meeting—Departure of member from meeting after business begun—Quorum not present when resolution passed—Validity of resolution.
In re **Hartley Baird Ld.**, Wynn-Parry J. [1955] Ch. 143; [1954] 3 W.L.R. 964.

Vote

Date of vote—Poll taken on resolution for election and completed—Votes counted and result declared on following day—Whether director elected on day of poll or when result declared—Companies Act, 1948, s. 182.
Holmes v. Keyes, Danckwerts J. [1958] Ch. 670; [1958] 2 W.L.R. 540;
C.A. [1959] Ch. 199; [1958] 2 W.L.R. 772.

Entitlement to vote—" Majority of fellows [of Zoological Society] entitled to vote "—Meaning—Whether restricted to those qualified to vote and present or represented at ballot meeting.
Knowles v. Zoological Society of London, C.A. [1959] 1 W.L.R. 823.

Right of bankrupt to vote while registered.
Morgan v. Gray, Danckwerts J. [1953] Ch. 83; [1953] 2 W.L.R. 140.

COMPANY—*continued.*

Memorandum of association. *See* **Powers.**

Misfeasance action. (*See also* **Winding up.**)

Bankruptcy

Whether bankrupt shareholder can maintain action while still on register.
Birch v. Sullivan, Harman J. [1957] 1 W.L.R. 1247.

Nationalization. *See* ELECTRICITY; GAS; MINES; TRANSPORT.

Oppression

Relief

Need to state extent of nature sought—Companies Act, 1948, s. 210 (1) (2).
In re **Antigen Laboratories Ltd.,** Roxburgh J. [1950] W.N. 587; 66 T.L.R. (Pt. 2) 1107; [1951] 1 All E.R. 110.

Subsidiary company

Minority of independent shareholders—Majority of nominees—Controlling powers used to destroy subsidiary company—Remedy alternative to winding up—Companies Act, 1948, s. 210. **Scottish Co-operative Wholesale Society Ltd. v. Meyer,** H.L.(Sc.) [1959] A.C. 324; [1958] 3 W.L.R. 404.

Voting control

Private company—Founder of business retaining voting control when business transferred to limited company—Sons of founder life directors of company—Major beneficial interest in equity of company held by sons—Majority of sons' shares gift from founder—Autocratic use of voting power by founder—Whether conduct oppressive—Whether sons debarred from relief—Companies Act, 1948, s. 210.
In re **H. R. Harmer Ltd.,** C.A. [1959] 1 W.L.R. 62.

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Powers. (*See also* CORPORATION.)

Charter

Construction—Covenant to erect and maintain workshops—Tax exemption—Validity of deed of covenant.
City of Winnipeg v. Canadian Pacific Ry. Co., J.C. [1953] A.C. 618; [1953] 3 W.L.R. 438.

Debts

Judgment debts in respect of ultra vires contracts—Whether capable of admission to proof. *In re* **Jon Beauforte (London) Ltd.,** Roxburgh J. [1953] Ch. 131; [1953] 2 W.L.R. 465.

Memorandum of association

Declaration of intention that objects specified in any paragraph of objects clause "be in "nowise limited . . . by reference to or inference from" terms of any other paragraph—Whether "main objects" rule of construction excluded—First two objects of company to carry on export and import business—Subsequent object to obtain "concessions, "contracts, rights . . . and to carry the same into effect, operate thereunder, develop ". . . maintain and sell . . . the same"—Whether property development ultra vires.
Anglo-Overseas Agencies Ltd. v. Green, Salmon J. [1961] 1 Q.B. 1; [1960] 3 W.L.R. 561.

Private company

Exempt private company

Settlement of sum of money by principal shareholder—Settlor's shares in company subsequently brought into settlement by purchase with part of settled sum—Whether "will "or family settlement disposing of the shares. . . ."—Companies Act, 1948, ss. 127, 129 (1) (2) (*a*), Sch. 7, para. 3 (1) (*b*) (2) (*b*).
In re **Prenn's Settlement,** Cross J. [1960] 1 W.L.R. 1248.

Prospectus. (*See also* **Shares** (Issue).)

Amalgamation

Scheme for acquisition of shares by transferee company—Circular containing offer by new company to acquire shareholdings and stockholdings of both companies and issue its own shares in exchange—"Form of application and transfer" sent with circular—Whether circular a "prospectus"—Companies Act, 1948, ss. 37, 38 (3), 55 (2), 455 (1).
Governments Stock and Other Securities Investment Co. Ltd. v. Christopher, Wynn-Parry J. [1956] 1 W.L.R. 237.

Psyche

Intention

Landlord and tenant—Intention to occupy—State of mind of managers is state of mind of company—Landlord and Tenant Act, 1954, s. 30 (1) (*g*).
H. L. Bolton (Engineering) Co. Ltd. v. T. J. Graham & Sons Ltd., C.A. [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804.

Public company

Meaning

Larceny Act, 1916, s. 20 (1) (ii). **Regina v. Davies,** C.C.A. [1955] 1 Q.B. 71; [1954] 3 W.L.R. 665.

COMPANY—*continued.*

Register

Controlling interest. See **Control.**

Name struck off register

Consequent dissolution—Application to declare dissolution void—Jurisdiction—Representation of Attorney-General—Companies Act, 1948, ss. 352 (1), 353 (6).
In re **Belmont & Co. Ltd.,** Wynn-Parry J. [1952] Ch. 10; [1951] 2 T.L.R. 925; [1951] 2 All E.R. 898.

Defunct company—Name struck off without knowledge of directors—Vesting of property and rights in Crown as bona vacantia—Subsequent desire for winding up—Petition to restore name of company to register and to wind up—Companies Act, 1948, ss. 352, (1), 353 (6), 354. *In re* **Cambridge Coffee Room Association Ltd.,** Wynn-Parry J. [1951] W.N. 621; [1951] 2 T.L.R. 1155; [1952] 1 All E.R. 112.

Failure to perform statutory duties—Dissolution by withdrawal of name from register—No winding up—Application in company's name during dissolution for grant of new lease—Subsequent order restoring company to register—Validity of acts done during dissolution—Companies Act, 1948, ss. 352 (1), 353 (1) (2) (3) (5) (6)—Leasehold Property (Temporary Provisions) Act, 1951, s. 12.
Tyman's Ltd. v. Craven, C.A. [1952] 2 Q.B. 100; [1952] 1 T.L.R. 601; [1952] 1 All E.R. 613.

Neglect to make returns—Application to restore name to register—Whether penalty exigible as condition of restoration—Companies Act, 1948, ss. 107 (2) (3), 124 (1) (3), 200 (4) (5), 353 (6), 440 (1) (2).
In re **Moses and Cohen Ltd.,** Roxburgh J. [1957] 1 W.L.R. 1007.

Restoration to register

Statute-barred debts—Proviso to protect creditors between dissolution and restoration to the register—Companies Act, 1948, s. 353 (6).
In re **Donald Kenyon Ltd.,** Roxburgh J. [1956] 1 W.L.R. 1397.

Residence. *See* RESIDENCE.

Shareholder. (*See also* **Meeting** (*Vote*).)

Bankruptcy

Misfeasance action by minority shareholder—Company as defendant—Allegations to be pleaded in statement of claim—Whether bankrupt shareholder can maintain action while still on register—R.S.C., Ord. 25, r. 4.
Birch v. Sullivan, Harman J. [1957] 1 W.L.R. 1247.

Company itself

Direction in will to transfer company's own shares to company—Proposed transfer to nominees—Whether valid—Qualification of nominees.
In re **Castiglione's Will Trusts,** Danckwerts J. [1958] Ch. 549; [1958] 2 W.L.R. 400.

Rights against company or directors

Sale of asset—Sale at undervalue—Allegation of negligence—Action by minority shareholder—Sale intra vires—No allegations of fraud or oppression—Whether action maintainable.
Pavlides v. Jensen, Danckwerts J. [1956] Ch. 565; [1956] 3 W.L.R. 224.

Shares

Allotment

Contract to allot shares—Breach—Specific performance—Measure of damages.
Sri Lanka Omnibus Co. Ltd. v. Perera, J.C. [1951] 2 T.L.R. 1184.

Articles of association

Enforcement between members—Provision that every member intending to transfer shares should inform directors who " will take the said shares equally between them," and who " will pay a fair value therefor "—Meaning of " will "—Whether directors liable to take up member's shares—Construction—Companies Act, 1948, s. 20 (1).
Rayfield v. Hands, Vaisey J. [1960] Ch. 1; [1958] 2 W.L.R. 851.

Bonus shares

Consideration—Benefit to company.
Inland Revenue Commissioners v. Thornton, Kelley & Co., Ltd., Wynn-Parry J. [1957] 1 W.L.R. 482.

When property passes to shareholder—Right to renounce.
Pye-Smith v. Inland Revenue Commissioners, Danckwerts J. [1958] 1 W.L.R. 905.

Classes of shares

" Preferred ordinary "—Investment clause in settlement—Power to invest in " ordinary " preferred stock or shares "—Subdivision of ordinary stock with preferential rights—" Preferred "—" Preference "—" Deferred."
In re **Powell-Cotton's Resettlement,** Roxburgh J. [1957] Ch. 159; [1957] 2 W.L.R. 328.

Issue

Misrepresentation—Statements in circular letter—Honest belief in untrue representations—Capital " subscribed "—Allotment of fully-paid shares in respect of formation expenses and acquisition of patent rights—" Subscribed "—Whether payment in cash essential.
Akerhielm v. De Mare, J.C. [1959] A.C. 789; [1959] 3 W.L.R. 108.

COMPANY—*continued.*

Shares—*continued.*

Preference. (*See also* **Capital** (*Increase*).)

Colliery company—Assets of company taken over by National Coal Board—Preference capital reduced on footing that right unaffected to claim adjustment of compensation—Resolution for repayment of preference stock in full —Validity—Whether reduction just and equitable—Terms of earlier company's circular—Companies Act, 1948, ss. 66, 67—Coal Industry Nationalization Act, 1946, s. 25.
In re **Old Silkstone Collieries Ld.,** C.A. [1954] Ch. 169; [1954] 2 W.L.R. 77.

Dividend—At 6 per cent.—Tax-free save a deduction in respect of tax exceeding 6s. in the £—Computation of deduction—Construction of articles of association.
Friends Provident & Century Life Office v. Investment Trust Corpn., Ltd., H.L.(E.) [1951] W.N. 476; [1951] 2 All E.R. 632.

——— Underpayment to cumulative preference shareholders due to erroneous method of computation—Aggregate sum representing deficiency of dividends—Distribution.
Godfrey Phillips Ld. v. Investment Trust Corpn. Ld., Wynn-Parry J. [1953] Ch. 449; [1953] 1 W.L.R. 41.

Redemption—Preference shares redeemed at a premium—Premium not a "distribution" for purpose of profits tax—Finance Act, 1947, s. 36.
Inland Revenue Comrs. v. Universal Grinding Wheel Co. Ld., Upjohn J. [1953] Ch. 499; [1953] 3 W.L.R. 29; C.A. [1954] Ch. 117; [1954] 2 W.L.R. 37; H.L.(E.) [1955] A.C. 807; [1955] 2 W.L.R. 892.

Voluntary liquidation—Article of association providing preference shares to rank for dividends and capital "in priority to all other shares, both present and future"—Preference shareholders entitled in priority to arrears of dividend.
In re **Savory (E. W.) Ltd.,** Wynn-Parry J. [1951] W.N. 619; [1951] 2 T.L.R. 1071; [1951] 2 All E.R. 1036.

Sale

Fraud of director during negotiations—Sale authorized by members—Fraud preceding authorization—Tort complete when fraud acted on—Whether innocent shareholders liable vicariously to purchasers of shares. **Briess v. Woolley,** C.A. [1953] 2 Q.B. 218; [1953] 2 W.L.R. 608. H.L.(E.) [1954] A.C. 333; [1954] 2 W.L.R. 832.

Private company—Articles restricting transfer of shares to members—Majority resolution authorising sales to strangers—Validity—Whether resolution passed bona fide for benefit of company.
Greenhalgh v. Arderne Cinemas Ltd., C.A. [1951] Ch. 286; [1950] 2 All E.R. 1120.

Share premium account

Amalgamation under holding company of two companies having unequal assets—Issue of shares by holding company—Adjustment of inequality—Balance sheet—Application of premiums—Companies Act, 1948, s. 56.
Henry Head & Co. Ltd. v. Ropner Holdings Ltd., Harman J. [1952] Ch. 124; [1951] 2 T.L.R. 1027; [1951] 2 All E.R. 994.

Reduction—Payment to trustee—Whether capital or income—Companies Act, 1948, s. 56.
In re **Duff's Settlements,** Harman J. [1951] Ch. 721; [1951] 1 T.L.R. 735; [1951] 1 All E.R. 869; C.A. [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534.

Shares vested in trustees. See TRUSTS.

Transfer

Charging order on shares of shareholder—Shares previously transferred to chairman of board of directors and manager—Effect of disregard of procedure prescribed by articles in relation to transfer of shares—Equitable rights—Priority.
Hawks v. McArthur, Vaisey J. [1950] W.N. 581; [1951] 1 T.L.R. 308; [1951] 1 All E.R. 22.

Restrictions in articles of association—Pre-emptive right of other members—Shareholder "desirous of transferring" shares—Meaning of "transfer"—Contract by shareholder for sale of shares to third party—Violation of article—Company's right to enforce pre-emptive provisions.
Lyle & Scott Ltd. v. Scott's Trustees, H.L.(Sc.) [1959] A.C. 763; [1959] 3 W.L.R. 133.

Transfers forged by trustee—Claim for restoration to register by surviving trustee—Estoppel—Negligence—Ratification—Transfers a nullity.
Welch v. Bank of England, Harman J. [1955] Ch. 508; [1955] 2 W.L.R. 757.

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Fluctuating results—Applicability of assets value—Estate duty.
Att.-Gen. for Ceylon v. Mackie, J.C. [1952] 2 All E.R. 775.

Middle market quotation—Satisfactory guide.
In re **Western Manufacturing (Reading) Ltd.,** Wynn-Parry J. [1956] Ch. 436; [1956] 2 W.L.R. 437.

Shares in private company—Controlling interest—Valuation under article—Purchase by surviving directors—Break up value of assets—Value as going concern—No expectation of profit-making. **Dean v. Prince,** Harman J. [1953] Ch. 590; [1953 3 W.L.R. 271; C.A. [1954] Ch. 409; [1954] 2 W.L.R. 538.

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Shares (*Valuation*)—*continued.*

Shares in private company—Not a controlling interest—Hazardous trade—Dividends restricted—Finance Act, 1894, s. 7 (5). *In re* **Holt, decd.,** Danckwerts J. [1953] 1 W.L.R. 1488.

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Whether effective. **Lazarus Estates Ltd. v. Beasley,** C.A. [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502.

Trading with the enemy. *See* TRADING WITH THE ENEMY.

" Unit trust scheme "

Approval of Board of Trade

Board's refusal to approve scheme as " authorized unit trust scheme "—Compliance with statutory requirements—Scheme not " to the satisfaction of the Board "—Discretion—Prevention of Fraud (Investments) Act, 1939, s. 16, Sched.—Companies Act, 1947, s. 117. **Allied Investors' Trusts Ltd. v. Board of Trade,** Danckwerts J. [1956] Ch. 232; [1956] 2 W.L.R. 224.

Winding up

Appeal from liquidator

Rejection of proof by liquidator—Power of appellate court. *In re* **Trepca Mines Ltd.,** C.A. [1960] 1 W.L.R. 1273.

———— Whether court should consider rights of claimant in light of evidence before liquidator—Whether matter to be considered de novo—Companies (Winding-Up) Rules, 1949, r. 108. *In re* **Kentwood Constructions Ltd.,** Buckley J. [1960] 1 W.L.R. 646.

Contributories

Call on contributories—Debts proved in the liquidation purchased by contributories after call—Whether liability on call reduced pro tanto by purchase of debts—Companies Act, 1948, ss. 212, 214. *In re* **Apex Film Distributors Ltd.,** Wynn-Parry J. [1959] 3 W.L.R. 8.

———— Liability of past members—Whether call effective—Date for fixing liability—Company Winding-up Rules, r. 88—Companies Act, 1948, ss. 212, 214. *In re* **Apex Film Distributors Ltd.,** C.A. [1960] Ch. 378; [1960] 2 W.L.R. 350.

Compulsory winding up—Surplus assets—Register out of date—Distribution among contributories—Whether order of court necessary—Companies Act, 1948, ss. 245 (1), 245 (2) (*h*), 265, 302, 303 (2)—Companies (Winding-Up) Rules, 1949. *In re* **Phoenix Oil and Transport Co. Ltd. (No. 2),** Wynn-Parry J. [1958] Ch. 565; [1958] 2 W.L.R. 126.

Dividend due to member—" Member "—Whether including past member—Companies Act, 1948, s. 212 (1) (*g*). *In re* **Consolidated Goldfields of New Zealand Ltd.,** Roxburgh J. [1953] Ch. 689; [1953] 2 W.L.R. 584.

Surplus assets, rights to—Rights given by memorandum of association and by special resolution—Relevance of articles of association—Preference stockholders' rights. *In re* **Duncan Gilmour & Co., Ltd.,** Wynn-Parry J. [1952] W.N. 550; [1952] 2 T.L.R. 951; [1952] 2 All E.R. 871.

———— Arrears of preferential dividend—Distribution of assets between preference and ordinary shareholders. *In re* **Wharfedale Brewery Co. Ltd.,** Wynn-Parry J. [1952] Ch. 913; [1952] 2 T.L.R. 543; [1952] 2 All E.R. 635.

Whether holder of fully paid shares a " contributory "—Dispensing with list of contributories—Adjustment of rights of contributories—Whether distribution of surplus assets an adjustment of rights—Companies Act, 1948, ss. 213, 257 (1). *In re* **Phoenix Oil and Transport Co. Ltd.,** Roxburgh J. [1958] Ch. 560; [1957] 3 W.L.R. 633.

Costs

Clerk to liquidator's solicitors also member of committee of inspection—Disallowance of payment of profits charged out of assets—Companies (Winding Up) Rules, 1949, r. 163. *In re* **F. T. Hawkins & Co., Ltd.,** Wynn-Parry J. [1952] Ch. 881; [1952] 2 T.L.R. 281; [1952] 2 All E.R. 467.

Compulsory winding up—Solicitors' work in contemplation of proposed legal proceedings—No proceedings taken—Whether work " contentious " or " non-contentious "—Solicitors (Amendment) Act, 1956, s. 13 (4) (*a*), replaced by Solicitors Act, 1957, s. 86. *In re* **Simpkin Marshall Ltd.,** Wynn-Parry J. [1959] Ch. 229; [1958] 3 W.L.R. 693.

Costs in proceedings before winding up—Not in Companies Court—Jurisdiction to order taxation in Companies Winding-Up Department or Central Office of Supreme Court. *In re* **Defiant Cycle Co. Ld.,** Vaisey J. [1955] Ch. 490; [1955] 2 W.L.R. 932.

Petition abandoned—Whether company entitled to order dismissing petition with costs—Companies (Winding Up) Rules, 1949, r. 33. **In re Royal Mutual Benefit Building Society,** Pennycuick J. [1960] 1 W.L.R. 1143.

Judgment creditor's petition—Opposition by majority of creditors—Dismissal of petition—Whether " fair practice " to dismiss with costs or with no order as to costs. *In re* **R. W. Sharman Ltd.,** Wynn-Parry J. [1957] 1 W.L.R. 774.

COMPANY—*continued.*

Winding up (*Costs*)—*continued.*

Taxation as between solicitor and own client when client a company.
In re **Mercury Model Aircraft Supplies Ltd.,**
Roxburgh J. [1956] 1 W.L.R. 1153.

Taxation in Companies Winding-Up Department—Whether chief clerk has jurisdiction to conduct taxation—Companies (Winding-up) Rules, 1949, rr. 1, 4 (3).
In re **Wool Textile Employers Mutual Insurance Co. Ld.,**
Wynn-Parry J. [1955] 1 W.L.R. 862.

Disclaimer of property

Statutory undertaking — Unregistered company — Cemetery company incorporated by special Act—Application by liquidator to disclaim cemetery—Land burdened with onerous covenants—Whether jurisdiction to grant application—Companies Act, 1948, s. 323. *In re* **Nottingham General Cemetery Co.,** Wynn-Parry J. [1955] Ch. 683; [1955] 3 W.L.R. 61.

Disposition after commencement

Dispositions made between presentation of petition and winding-up order—Bank overdraft facilities before and after presentation of petition—Arrangement to enable company to continue its business—Principles for exercise of discretion by court—Companies Act, 1948, s. 227. *In re* **T. W. Construction Ld.,** Wynn-Parry J. [1954] 1 W.L.R. 540.

Distribution of assets

Final distribution—Nature.
Inland Revenue Comrs. v. Pollock & Peel Ltd. (In Liquidation),
Upjohn J. [1956] 1 W.L.R. 951;
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Execution

Arrest of vessel—Action *in rem*—Voluntary liquidation—Whether creditor for necessaries can become secured creditor by arresting company's vessel after notice of meeting to propose voluntary winding up—Companies Act, 1948, s. 325.
The Zafiro, Hewson J. [1960] P. 1; [1959] 3 W.L.R. 123.

Voluntary liquidation—Payment to bailiff to avoid sale—Payment more than 14 days before receipt of notice of winding up—Payment over to sheriff within 14 days—Money claimed by liquidator—Whether "benefit of execution"—Whether money received in "part satisfaction of the execution"—Whether payment to bailiff payment to sheriff—Companies Act, 1948, ss. 325 (1), 326 (1) (2).
In re **Walkden Sheet Metal Co. Ltd.,** Wynn-Parry J. [1960] Ch. 170;
[1959] 3 W.L.R. 616.

Foreign corporation

Assistance by foreign lawyer in litigation in connexion with winding-up—Proof in winding up by foreign lawyer rejected by court—Sanction of ex gratia payment to foreign lawyer on his undertaking to continue on committee of inspection.
In re **Banque des Marchands de Moscou (Koupetschesky). Wilenkin v. The Liquidator (No. 2),** Vaisey J. [1953] 1 W.L.R. 172.

Company incorporated in South Africa—Debt in England—Company wound up in South Africa—Seizure of company's goods by sheriffs in England—Claim by South African liquidator—Whether English creditor entitled to retain goods—Companies Act, 1948, s. 325 (1) (*c*). *In re* **Suidar International Airways Ltd.,** Wynn-Parry J [1951] Ch. 165; 66 T.L.R. (Pt. 2) 909; [1950] 2 All E.R. 920.

Foreign company dissolved in Russia—Unregistered company—No place of business in England—Outstanding assets in England—Petition to wind up—Opposition by Crown—Claim to assets as bona vacantia—Jurisdiction to wind up—Companies Act, 1948, ss. 319, 353, 354, 399 (5) (*a*), 400. *In re* **Azoff-Don Commercial Bank,** Wynn-Parry J. [1954] Ch. 315; [1954] 2 W.L.R. 654.

Form of order—Company incorporated in Republic of Ireland—English assets.
In re **Hibernian Merchants Ltd.,** Roxburgh J. [1958] Ch. 76; [1957] 3 W.L.R. 486.

Russian bank—Bank incorporated under Tsarist law as a company limited by shares—Bank an unregistered company in England—Dissolution in Russia by Soviet confiscatory decree—Compulsory winding up in England—Surplus assets in England—Whether Crown entitled to surplus assets as bona vacantia—Rights of former shareholders—Companies Act, 1929, ss. 211, 221 (1), 338 (1), 342—Companies Act, 1948, ss. 265, 274, 354. *In re* **Banque des Marchands de Moscou (Koupetschesky),** Roxburgh J. [1958] Ch. 182; [1957] 3 W.L.R. 637.

———— Dissolution in Russia by Soviet decree—Subsequent winding-up order in England—Winding up impeached—Same parties seeking to prove in liquidation—Approbation and Reprobation—Banking company's business not carried on within the jurisdiction—Existence of assets in England justifying winding-up order—Companies Act, 1929, s. 338 (1) (*d*).
Banque des Marchands de Moscou (Koupetschesky) v. Kindersley, C.A. [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549.

———— Dissolved in country of origin—Debt owing in roubles to customer on current account—Subsequent winding up of bank in England—Proof lodged by customer—Date for conversion of debt into sterling.
In re **Russian Commercial and Industrial Bank,** Wynn-Parry J. [1955] Ch. 148; [1955] 2 W.L.R. 62.

COMPANY—*continued.*

Winding up (*Foreign corporation*)—*continued.*

Russian bank—No branch in England—Assets in England—Dissolution of bank in Russia—Winding-up order in England—Claim against liquidator of English assets for debt due from bank—Claim based on orders by bank payable in England—Transaction illegal by Russian law—Debt situate in Russia—Not a debt provable in winding up—Companies Act, 1929, s. 261. *In re* **Banque des Marchands de Moscou (Koupetschesky) (No. 2)**, Roxburgh J. [1954] 1 W.L.R. 1108.

Statute-barred debts—Russian trading company incorporated under Tsarist law—Cessation by virtue of Soviet law—Credit bank balance in England at date of cessation—Petition to wind up 33 years after date of cessation—Whether winding-up order to contain proviso protecting creditors with statute-barred debts.
In re **Moscow Merchants' Trading Co. Ltd.**, Roxburgh J. [1958] Ch. 182; [1957] 3 W.L.R. 637.

Winding-up order—Order expressed to be without prejudice to claim by Crown to assets as bona vacantia—Crown entitled only to surplus—Form of order.
In re **Banque Industrielle de Moscou,** Wynn-Parry J. [1952] Ch. 919; [1952] 2 T.L.R. 406; [1952] 2 All E.R. 532.

Interest on debts

Jurisdiction—Compulsory winding up on ground of insolvency—Company subsequently becoming solvent—Payment in full of debts admitted to proof—Whether interest payable on debts other than judgment debts—Law Reform (Miscellaneous Provisions) Act, 1934, s. 3—Companies Act, 1948, s. 317. *In re* **Fine Industrial Commodities Ltd.**, Vaisey J. [1956] Ch. 256; [1955] 3 W.L.R. 940.

Lease

Lease of valuable property to company at less than rack-rent—Assignment of lease for value in voluntary liquidation of parent company—Claim by lessor to have sufficient assets set aside to meet future liability under covenants—Right to prove in liquidation.
In re **House Property and Investment Co. Ld.**, Roxburgh J. [1954] Ch. 576; [1953] 3 W.L.R. 1037.

Liabilities

Foreign tax debt—English company trading in India—Liquidation—"Liabilities"—Claim for Indian tax not provable—Companies Act, 1948, ss. 278, 283, 302.
In re **Delhi Electric Supply and Traction Co. Ld.**, C.A. [1954] Ch. 131; [1953] 3 W.L.R. 1085.
sub nom. **Government of India v. Taylor,** H.L.(E.) [1955] A.C. 491; [1955] 2 W.L.R. 303.

Judgment debts in respect of ultra vires contracts—Whether capable of admission to proof. *In re* **Jon Beauforte (London) Ld.**, Roxburgh J. [1953] Ch. 131; [1953] 2 W.L.R. 465.

Pensions to company's servants—Capitalisation of pensions owing to liquidation—Tax to be taken into account—Principles applicable to assessment.
In re **Houghton Main Colliery Co. Ltd.**, Wynn-Parry J. [1956] 1 W.L.R. 1219.

Voluntary winding up—Statute-barred debts—No power to discharge unless contributories consent—Companies Act, 1948, ss. 257 (1), 302, 316, 317.
In re **Art Reproduction Co. Ltd.**, Wynn-Parry J. [1952] Ch. 89; [1951] 2 T.L.R. 979; [1951] 2 All E.R. 984.

Liquidator

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In re **Reliance Properties Ltd.**, C.A. [1951] W.N. 351; [1951] 2 All E.R. 327.

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Incorrect spelling of company's name in petition, advertisement and winding-up order—Application for leave to amend—Jurisdiction.
In re **J. & P. Sussman Ltd.**, Vaisey J. [1958] 1 W.L.R. 519.

Judgment creditor's petition for compulsory winding up—Opposition by majority of creditors—No evidence supporting opposition—Company insolvent and without assets—Whether opposition of majority conclusive—Discretion of court—Companies Act, 1948, s. 346. *In re* **Yuma Ltd.**, C.A. [1960] 1 W.L.R. 1283.

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In re **Parker Davies and Hughes Ld.,** Roxburgh J. [1953] 1 W.L.R. 1349.

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Petition presented in county court—Subsequent petition presented in High Court—Concurrent jurisdiction—Transfer of proceedings to High Court—Companies Act, 1948, s. 219. *In re* **Filby Bros. (Provender) Ltd.,** Roxburgh J. [1958] 1 W.L.R. 683.

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In re **H. L. Bolton Engineering Co. Ltd.,** Wynn-Parry J. [1956] Ch. 577; [1956] 2 W.L.R. 844.

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Bequest to company after dissolution—Application for declaration that dissolution void—Whether discretion of court should be exercised—Charity—Companies Act, 1948, s. 352.
In re **Servers of the Blind League,** Pennycuick J. [1960] 1 W.L.R. 564.

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In re **B. Karsberg Ltd.,** C.A. [1956] 1 W.L.R. 57.

Proposed reconstruction—One-man company—Nominee liquidator—Order for compulsory winding up—Evidence of creditors shut out—Discretion not properly exercised—Companies Ordinance (Laws of Nigeria, 1948, c. 38), ss. 132 (2), 140.
Adebayo v. Official Receiver of Nigeria, J.C. [1954] 1 W.L.R. 681.

Report by liquidator—Investigation by official receiver—Application for further order for public examination of director—Powers available to receiver—Persons to apply—Companies Act, 1948. ss. 236 (1), (2), 270, 307, 334 (3).
In re **Campbell Coverings Ltd.,** C.A. [1953] Ch. 488; [1953] 2 W.L.R. 1135.

Report by official receiver—Whether appropriate—Meaning of " the official receiver "—Companies Act, 1948, ss. 256 (1) (2), 307 (1) (2).
In re **Serene Shoes Ltd.,** Vaisey J. [1958] 1 W.L.R. 1087.

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In re **Campbell Coverings Ld. (No. 2),** Wynn-Parry J. [1954] Ch. 225; [1954] 2 W.L.R. 204.

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Land ripe for development—Proposed sale of building site—Price exceeding existing use value—Proposed purchaser to pay development charge—Assignment to him of compensation for loss of development value—Land acquired by Central Land Board for benefit of purchaser—Policy of Board—Validity of order—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, para. 15—Town and Country Planning Act, 1947, s. 43 (1) (2)—Town and Country Planning (Development Charge) Regulations, 1948, reg. 2; Sch., para. 1.
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C.A. [1951] 2 K.B. 284; [1951] 1 T.L.R. 878; [1951] 1 All E.R. 982.
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COMPULSORY PURCHASE—*continued.*

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Compensation

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Method of assessment—Defence Act, 1842—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2. **Watson v. Secretary of State for Air,** C.A. [1954] 1 W.L.R. 1477.

Business premises held under lease

Yearly tenancy—Six months' notice to deliver up possession—Premises "which shall be "purchased"—Whether tenants "compelled to quit before expiration of" term—Metropolitan Paving Act, 1817, s. 90.
Pearl v. London County Council, C.A. [1961] 1 Q.B. 287; [1960] 3 W.L.R. 881.

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How far recoverable as part of compensation—Lands Tribunal.
London County Council v. Tobin, C.A. [1959] 1 W.L.R. 354.

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Harvey v. Crawley Development Corporation, C.A. [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332.

Equivalent reinstatement

Premises used as a Unitarian church and centre—War damage—Part of premises at date of notice let to business firm—Intention to reinstate in another place—Land "devoted "to a purpose of such a nature that there is no general demand or market for land for "that purpose"—Basis of assessment of compensation—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, r. (5)—Town and Country Planning Act, 1944, ss. 57, 58.
Aston Charities Trust Ltd. v. Stepney Borough Council, C.A. [1952] 2 Q.B. 642; [1952] 2 T.L.R. 6; [1952] 2 All E.R. 228.

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Land used contrary to planning control

Liability of land to enforcement order—Liability to be taken into account by arbitrator in assessing compensation—Town and Country Planning Act, 1947, ss. 23, 51, 55, 75.
Higham v. Havant and Waterloo Urban District Council,
Divl.Ct. [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 1 All E.R. 178.
C.A. [1951] 2 K.B. 527; [1951] 2 T.L.R. 87; [1951] 2 All E.R. 178.

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Licence put in suspense—Inn leased to brewers—Reversion to freeholders—Basis of compensation payable to freeholders—Value as licensed premises less value of suspended licence—Defence Acts, 1842–1935—Finance Act, 1946, s. 12, Sch. I.
Tull's Personal Representatives v. Secretary of State for Air, C.A. [1957] 1 Q.B. 523; [1957] 2 W.L.R. 346.

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Hypothetical income tax deductible from compensation—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, r. (6).
West Suffolk County Council v. W. Rought Ltd., C.A. [1955] 2 Q.B. 338; [1955] 2 W.L.R. 1080.
H.L.(E.) [1957] A.C. 403; [1956] 3 W.L.R. 589.

Meaning

Whether "purchase money on sale or other disposition"—"Purchase"—"Sale"—"Disposition"—Fiji—Compulsory acquisition—Native land—Compensation money—Payable to Native Land Trust Board—Not to members of Tokatoka (Native land holding unit)—Observations on distribution of compensation—Crown Acquisition of Lands Ordinance (Laws of Fiji, 1945, c. 122), s. 3—Native Land Trust Ordinance (Laws of Fiji, 1945, c. 86), ss. 15, 32—Native Land (Leases and Licences) Regulations, reg. 3 (2). **Nalukuya v. Director of Lands,** J.C. [1957] A.C. 325; [1957] 2 W.L.R. 755.

Potentiality for building development

Principles applicable—Maori land—(New Zealand) Finance Act (No. 3), 1944, s. 29 (1) (*b*)—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2.
Maori Trustee v. Ministry of Works, J.C. [1959] A.C. 1; [1958] 3 W.L.R. 536.

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Acquiring authority sitting tenant—Purchase of freehold reversion—Merger—"Special "suitability or adaptability of the land for any purpose"—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, rr. (1), (2), (3).
Lambe v. Secretary of State for War, C.A. [1955] 2 Q.B. 612; [1955] 2 W.L.R. 1127.

COMPULSORY PURCHASE—*continued.*

Compensation—*continued.*

War-damaged property

Payment into court of compensation—Difference between incumbrances to which property subject at time of war damage and at time of notice to treat—Incumbrances due to payer not deducted—Incumbrances to be taken into account in determining compensation—Application for payment out of excess—Lands Clauses Consolidation Act, 1845, ss. 76, 78—War Damage Act, 1943, Sch. II—Town and Country Planning Act, 1944, Sch. VIII.
In re **County of London (Devons Road, Poplar) Housing Confirmation Order, 1945,** Upjohn J. [1956] 1 W.L.R. 499.

Rent restricted flats demolished by enemy action—Notice to treat served before any war damage made good—Assessment of value of notionally rebuilt flats—Assumption that new tenancies not rent-restricted—Town and Country Planning Act, 1947, s. 53 (1) (*a*).
East End Dwellings Co., Ltd. v. Finsbury Borough Council, C.A. [1951] 1 K.B. 441; 66 T.L.R. (Pt. 2) 876; [1950] 2 All E.R. 943.
H.L.(E.) [1952] A.C. 109; [1951] 2 T.L.R. 486; [1951] 2 All E.R. 587.

Total destruction of premises—Determination to make cost of works payment—Notional reinstatement—Assessment of compensation—" If the damage had been made good " —Meaning—Town and Country Planning Act, 1947, s. 53.
Paddington Borough Council v. War Damage Commission.
Associated London Properties Ltd. v. Paddington Borough Council, C.A. [1957] 1 Q.B. 294; [1956] 3 W.L.R. 911.

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Central Land Board

Owner's refusal to sell land at existing use value to purchaser with planning permission to develop—Planning permission obtained without owner's consent or knowledge—Persons entitled to apply for planning permission—Notice to owner of application for planning permission unnecessary—Second purchaser willing to pay price in excess of existing use value—Compulsory purchase by Central Land Board—Planning permission and compulsory purchase order valid—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, para. 15—Town and Country Planning Act, 1947, s. 43.
Hanily v. Minister of Local Government and Planning, Parker J. [1952] 2 Q.B. 444; [1952] 1 T.L.R. 1304; [1952] 1 All E.R. 1293.

Notice of order

Whether statutory tenant under Rent Acts entitled to receive notice—" Occupier "—Acquisition of Land (Authorization Procedure) Act, 1946, Sch. I, art. 3 (1) (*b*).
Brown v. Minister of Housing and Local Government, Barry J. [1953] 1 W.L.R. 1370.

Notice to treat

Validity—Abandonment of rights—User of land for purpose for which not acquired—Attempt to enforce notice after five years' delay—Whether notice exercise of compulsory powers—Lands Clauses (Consolidation) Act, 1845, s. 123.
Grice v. Dudley Corporation, Upjohn J. [1958] Ch. 329; [1957] 3 W.L.R. 314.

Objection by local authority

Land purchased by local authority after date of order—Public inquiry—Special parliamentary procedure necessary—Objection by local authority duly made—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, paras. 3 (1) (*a*) and (*b*), 4, 5 and 9.
Middlesex County Council v. Minister of Local Government and Planning, Ormerod J. [1951] W.N. 499; [1951] 2 T.L.R. 633; [1951] 2 All E.R. 732.

Validity

Allegation of bad faith—Questioning order—Court's jurisdiction—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, Pt. IV, paras. 15, 16.
Smith v. East Elloe Rural District Council, C.A. [1955] 1 W.L.R. 380; H.L.(E.) [1956] A.C. 736; [1956] 2 W.L.R. 888.

No application made to court in prescribed time—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, para. 16.
Uttoxeter U.D.C. v. Clarke, Lloyd-Jacob J. [1952] W.N. 255; [1952] 1 All E.R. 1318.

Objection by person aggrieved—On ground that authorisation not empowered by statute—Application to be made within six weeks from notice of confirmation order, etc., first published—Proposed amendment by adding further reason for objection—Jurisdiction to amend—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, Part IV, paras. 15 (1), 16—R.S.C., Ord. 55B, rr. 71, 73, 75.
Hanily v. Minister of Local Government and Planning, C.A. [1951] 2 K.B. 917; [1951] 2 All E.R. 749.

Repair of war damage—Proceedings by local authorities under Town and Country Planning Act, 1944—Direction by Minister for continuance after coming into force of Act of 1947—Validity—Interpretation Act, 1889, s. 37—Town and Country Planning Act, 1944, s. 1—Town and Country Planning Act, 1947, Sch. X, para. 16.
Rex v. Minister of Town and Country Planning. *Ex parte* **Montague Burton Ltd.,** C.A. [1951] 1 K.B. 1.

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Costs. (*See also* **Compensation.**)

Taxation

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In re **West Ferry Road, Poplar,** Harman J. [1955] 1 W.L.R. 439; C.A. [1955] 1 W.L.R. 751.

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Validity

Condition precedent—Whether council can be " satisfied " acting through their committees —" Resources "—Housing Act, 1957, ss. 42 (1), 43 (1) (2).
Goddard v. Minister of Housing and Local Government, Lord Parker C.J. [1958] 1 W.L.R. 1151.

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Kirkness v. John Hudson & Co. Ld., C.A. [1954] 1 W.L.R. 40; H.L.(E.) [1955] A.C. 696; [1955] 2 W.L.R. 1135.

New South Wales

Resumption of land

Closer settlement—For Purposes of War Service Land Settlement Act, 1941—Compensation—Value as at February 10, 1942—Construction of statute—Workability—Technical, but no practical, difficulty—Closer Settlement (Amendment) Act, 1907 (N.S.W.), as amended, s. 4 (4) (*b*) (i) (ii).
Pye v. Minister for Lands for New South Wales, J.C. [1954] 1 W.L.R. 1410.

During period of temporary sales control—Determination of compensation—Principles applicable—Evidence—Admissibility—Public Works Act, 1912 (N. S. W.), ss. 45 (3), 124—National Security (Economic Organization) Regulations (Commonwealth), reg. 6.
Minister for Public Works v. Thistlethwayte, J.C. [1954] A.C. 475; [1954] 3 W.L.R. 305.

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Due objection by local authority

" Land which is the property of a local authority "—Land purchased by local authority after objection to compulsory purchase order and before public local inquiry—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. 1, para. 9.
Middlesex County Council v. Minister of Housing and Local Government, C.A. [1953] 1 Q.B. 12; [1952] 2 T.L.R. 651; [1952] 2 All E.R. 709.

CONCURRENT FINDINGS OF FACT. *See* PRIVY COUNCIL.

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CONFLICT OF LAWS

Administration. (*See also* **Immovable property; Power of appointment**; PROBATE.)

Bona vacantia

Deceased's estate in England—Deceased domiciled abroad at death—Intestacy—State's claim to property—Capacity in which claim made.
In the Estate of Maldonado, decd., Barnard J. [1953] 3 W.L.R. 204. C.A. [1954] P. 223; [1954] 2 W.L.R. 64.

Child of polygamous marriage

Legitimate by law of domicile—Succession to personal property.
Bamgbose v. Daniel, J.C. [1955] A.C. 107; [1954] 3 W.L.R. 561.

Company

Succession—Foreign legislation—Comity—Universal succession—Foreign bank liable on English debt—Obligations on debt suspended in foreign bank's state of origin by moratorium—Legislation by foreign State merging debtor bank with another bank in State of origin—New amalgamated bank decreed " universal successor " to former banks—Recognition of universal succession by English courts—Right of creditor to sue new bank in England—Companies Act, 1948, s. 208.
National Bank of Greece and Athens S.A. v. Metliss, C.A. [1957] 2 Q.B. 33; [1957] 2 W.L.R. 570; H.L.(E.) [1958] A.C. 509; [1957] 3 W.L.R. 1056.

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Administration (*Company*)—*continued.*

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Adams v. National Bank of Greece and Athens S.A., Diplock J. [1958] 2 Q.B. 59; [1958] 2 W.L.R. 588.
C.A. [1960] 1 Q.B. 64; [1959] 2 W.L.R. 800.
H.L.(E.) [1960] 1 Q.B. 64; [1960] 3 W.L.R. 8.

Winding up—Rules applicable—Lex fori—Companies Act, 1948, s. 302.
In re **Delhi Electric Supply and Traction Co. Ld.**, C.A. [1954] Ch. 131; [1953] 3 W.L.R. 1085.

Construction of will

Governed by domicile of testator when will was made.
Philipson-Stow v. Inland Revenue Comrs., H.L.(E.) [1960] 3 W.L.R. 1008.

Adoption

Succession

Intestacy—Adopters domiciled in England—Child born and adopted in Canada—Death of adopter intestate—Entitlement of child on intestacy—Adoption Act, 1950, s. 13 (1) (4).
In re **Wilson, decd.**, Vaisey J. [1954] Ch. 733; [1954] 2 W.L.R. 1097.

——— Probate—Letters of administration—Application by adoptive mother—Adoption valid by law of foreign domicile—English domicile at time of death—Adoptive parent not entitled—Administration of Estates Act, 1925—Adoption Act, 1950, ss. 1 (1), 13 (1) (4), 45 (1). *In re* **Wilby, decd.**, Barnard J. [1956] P. 174; [1956] 2 W.L.R. 262.

Will—Adopters domiciled in British Columbia—Children born and adopted in British Columbia—Whether adopted children entitled under substitutional gift to issue of adopter under English will—Adoption Act, 1950, s. 13 (1) (4).
In re **Marshall, decd.**, Harman J. [1957] Ch. 263; [1957] 2 W.L.R. 439;
C.A. [1957] Ch. 507; [1957] 3 W.L.R. 538.

Chose in action or debt

Discharge

Debt payable under contract—Whether discharged—Whether proper law of contract or lex situs of debt applicable.
In re **United Railways of Havana & Regla Warehouses Ltd.**,
Wynn-Parry J. [1958] Ch. 724; [1958] 2 W.L.R. 229.
C.A. [1960] Ch. 52; [1959] 2 W.L.R. 251.
H.L.(E.) [1960] Ch. 52; [1960] 2 W.L.R. 969.

Foreign debt

Conversion into sterling. *See* CURRENCY.

Situs

Debtor's place of residence—No situs until debt payable.
In re **Claim by Helbert Wagg & Co. Ltd.**, Upjohn J. [1956] Ch. 323; [1956] 2 W.L.R. 183.

Russian bank—No branch in England—Assets in England—Dissolution of bank in Russia—Winding-up order in England—Claim against liquidator of English assets for debt due from bank—Claim based on orders by bank payable in England—Transaction illegal by Russian law—Debt situate in Russia—Not a debt provable in winding up—Companies Act, 1929, s. 261. *In re* **Banque des Marchands de Moscou (Koupetschesky) (No. 2)**, Roxburgh J. [1954] 1 W.L.R. 1108.

Transfer

Applicability of proper law or lex situs—Situs of chose in action—Insurance—English company—Policy effected in Haifa—Claim—End of Palestine mandate—Claim transferred to custodian by Israeli legislation—Whether assured or custodian entitled—Whether legislation operated extraterritorially—Whether confiscatory.
Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Company. *See* **Administration.**

Confiscatory or political legislation

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Contract for sale of jute bags c.i.f. European port—Intention that contract goods be shipped from India for resale to South Africa—Prohibition by Indian Government of export of goods to South Africa—Recognition of prohibition by English courts.
Regazzoni v. K. C. Sethia (1944) Ltd., Sellers J. [1956] 2 W.L.R. 204;
C.A. [1956] 2 Q.B. 490; [1956] 3 W.L.R. 79;
H.L.(E.) [1958] A.C. 301; [1957] 3 W.L.R. 752.

Israeli appropriation of absentee property.
Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Exchange control legislation

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In re **Helbert Wagg & Co. Ltd.**, Upjohn J. [1956] Ch. 323; [1956] 2 W.L.R. 183.

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Confiscatory or political legislation—*continued*

Expropriation without compensation

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Anglo-Iranian Oil Co. Ld. v. Jaffrate [The Rose Mary],
Sup.Ct. of Aden [1953] 1 W.L.R. 246.

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Foreign bank liable on English debt—Subsequent foreign amending legislation retrospectively excepting obligation on debt.
Adams v. National Bank of Greece and Athens S.A., Diplock J.
[1958] 2 Q.B. 59; [1958] 2 W.L.R. 588.
C.A. [1960] 1 Q.B. 64; [1959] 2 W.L.R. 800.
H.L.(E.) [1961] A.C. 255; [1960] 3 W.L.R. 8.

Town and country planning restrictions

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Belfast Corpn. v. O. D. Cars Ltd., H.L.(N.I.) [1960] A.C. 490; [1960] 2 W.L.R. 148.

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J. D'Almaida Aruajo Lda. v. Sir Frederick Becker & Co. Ld.,
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H.L.(E.) [1960] Ch. 52; [1960] 2 W.L.R. 969.

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Charterparty—Bill of lading—Presumption—Law of flag—Lex loci contractus—Cargo shipped at French port by French charterers and shippers on Italian vessel— Italian consignees—Bill of lading made in Paris in French language—Proper law governing the contract—Intention of the parties to be imputed from all surrounding circumstances—Charterers a government agency—Circumstances unknown to one party.
The Assunzione, Willmer J. [1953] 1 W.L.R. 929.
C.A. [1954] P. 150; [1954] 2 W.L.R. 234.

Charterparty—Bill of lading—Use of English language—R.S.C., Ord. 11, r. 1 (*e*) (iii).
The Metamorphosis, Karminski J. [1953] 1 W.L.R. 543.

Contract to be " construed in accordance with x law "—x proper law.
In re **Claim by Helbert Wagg & Co. Ltd.,** Upjohn J. [1956] Ch. 323;
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Lease of movables—Lease entered into " in accordance with the provisions of the laws " of Cuba—Whether conclusive of proper law.
In re **United Railways of Havana & Regla Warehouses Ltd.,**
Wynn-Parry J. [1958] Ch. 724; [1958] 2 W.L.R. 229.
C.A. [1960] Ch. 52; [1959] 2 W.L.R. 251.
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Maintenance deed in favour of former wife—Executed in United States—Payable in dollars—Husband resident in U.K.
Keiner v. Keiner, Donovan J. [1952] W.N. 139; [1952] 1 All E.R. 643.

New State—Whether change of proper law effected. **F. & K. Jabbour v. Custodian of Israeli Absentee Property,** Pearson J. [1954] 1 W.L.R. 139.

Queensland Government debenture stock—" Pounds sterling "—Option for repayment in London—Whether " pounds " English or Australian.
Bonython v. Commonwealth of Australia, J.C. [1951] A.C. 201.

Whether intention of parties conclusive doubted.
Philipson-Stow v. Inland Revenue Comrs., H.L.(E.) [1960] 3 W.L.R. 1008.

Renvoi

Applicability of doctrine to contract.
In re **United Railways of The Havana and Regla Warehouses Ltd.,** Wynn-Parry J.
[1958] Ch. 724; [1958] 2 W.L.R. 229.
C.A. [1960] Ch. 52; [1959] 2 W.L.R. 251.

Where made. See CONTRACT (**Formation**); PRACTICE (**Writ**).

Where broken. See PRACTICE (**Writ**).

Debt. *See* CHOSE IN ACTION.

Diplomatic immunity

Family of diplomat

Infant—Ward of court—Whether infant son of person enjoying diplomatic immunity also immune—Whether father had surrendered his paternal rights—Diplomatic Privileges Act, 1708, s. 3. *In re* **C. (an Infant),** Harman J. [1959] Ch. 363;
[1958] 3 W.L.R. 309.

CONFLICT OF LAWS—*continued.*

Divorce. *See* HUSBAND AND WIFE.

Domicile. (*See also* **Marriage**; HUSBAND AND WIFE (**Divorce** (*Foreign decree*)).)

Change

Death of husband—Husband and wife living apart—Wife residing in Guernsey—Expressed intention during husband's lifetime to reside there permanently—Husband's domicile English—Predecease of husband—Wife unaware of husband's death—No intention expressed after his death—Domicile of choice in Guernsey at date of her death. *In re* **Scullard, decd.,** Danckwerts J. [1957] Ch. 107; [1956] 3 W.L.R. 1060.

Domicile of choice—Divorce—Jurisdiction—Comity of nations—New South Wales Matrimonial Causes Act, No. 14, 1899, s. 16 (*a*)—Matrimonial Causes Act, 1937, s. 13.
Travers v. Holley, C.A. [1953] P. 246; [1953] 3 W.L.R. 507.

Domicile of choice in United States of America—Considered domicile must be in specific State—Validity of foreign decree of divorce.
Gatty (F. A.) and Gatty (P. V.) v. Attorney-General, Karminski J. [1951] P. 444; [1951] 2 T.L.R. 599.

Military duty—Residence for purpose of military duty may be sufficient if accompanied by animus remanendi—Necessity of considering factum and animus in conjunction.
Cruickshanks v. Cruickshanks, Willmer J. [1957] 1 W.L.R. 564.

Revival of domicile of origin—Divorce—Domicile of quasi choice in South Australia—Intention to reside in New Zealand—Residence in England at majority—English domicile of origin revived. **Harrison v. Harrison,** Collingwood J. [1953] 1 W.L.R. 865

Soldier—Acquisition of domicile of choice by soldier.
Stone v. Stone, Collingwood J. [1958] 1 W.L.R. 1287.

Standard of proof—Difference between proving change of domicile and intention permanently to settle. **Tennekoon v. Duraisamy,** J.C. [1958] A.C. 354; [1958] 2 W.L.R. 994.

Foreign judgment. (*See also* CURRENCY; HUSBAND AND WIFE.)

Fraud

Foreign divorce—Respondent prevented from having notice of proceedings—Whether foreign decree valid. **Macalpine v. Macalpine,** Sachs J. [1958] P. 35; [1957] 3 W.L.R. 698.

Immovables

Mineral action involving mining rights—Action to enforce.
In re **Trepca Mines Ltd.,** C.A. [1960] 1 W.L.R. 1273.

Tort

Negligence—Personal injuries—Negligence of two tortfeasors—Judgment against one in France—Damages recovered—Action against other in England maintainable—Whether credit to be given for damages recovered.
Kohnke v. Karger, Lynskey J. [1951] 2 K.B. 670; [1951] 2 T.L.R. 40; [1951] 2 All E.R. 179.

Immovable property. (*See also* **Foreign judgment**; MARRIAGE.)

Assignment

Gift—Fidei commissum—Acceptance—Governed by Muslim law—Authority of mother of infant donee to accept. **Muheetha v. Leyaudeen,** J.C. [1953] A.C. 320; [1953] 2 W.L.R. 266.

Will—Revocation—Real estate in England—Disposition only revocable by English law—Wills Act, 1837, ss. 9, 20.
In the Estate of Alberti, decd., Wallington J. [1955] 1 W.L.R. 1240.

——— Settlement—Trust for sale—Proper law.
Philipson-Stow v. Inland Revenue Commissioners, Upjohn J. [1959] Ch. 395; [1959] 2 W.L.R. 427.
C.A. [1960] Ch. 313; [1960] 2 W.L.R. 32.

Danish community of property law

Whether applicable by Danish law extraterritorially to immovable property—Whether Danish law or lex situs to be applied by English law.
Callwood v. Callwood, J.C. [1960] A.C. 659; [1960] 2 W.L.R. 705.

Infant. (*See also* INFANT.)

Maintenance

American father resident abroad—Appearance by counsel to oppose applications because (1) father given custody by French court; (2) No jurisdiction in court to make maintenance order—Whether in fact submission to jurisdiction by father.
In re **Dulles' Settlement (No. 2),** C.A. [1951] Ch. 842; [1951] 2 T.L.R. 145; [1951] 2 All E.R. 69.

——————————— Appearance by counsel to oppose application made against him—Extension of jurisdiction possible by submission to jurisdiction—Whether in fact submission—Guardianship of Infants Act, 1886, s. 5—Guardianship of Infants Act, 1925, s. 3 (2). *In re* **Dulles' Settlement,** C.A. [1951] Ch. 265; 66 T.L.R. (Pt. 2) 1028; [1950] 2 All E.R. 1013.

CONFLICT OF LAWS—*continued.*

Jurisdiction. (*See also* HUSBAND AND WIFE.)

Contract

English contract to grant patent licences—Order by foreign court to one contracting party to cancel rights of other party to English contract—Injunction granted to prevent obedience to foreign court order—United States anti-trust laws.
British Nylon Spinners Ltd. v. Imperial Chemical Industries Ltd., C.A. [1953] Ch. 19; [1952] W.N. 469; [1952] 2 T.L.R. 669; [1952] 2 All E.R. 780.
Danckwerts J. [1955] 1 Ch. 37; [1954] 3 W.L.R. 505.

Lis alibi pendens. See PRACTICE (**Stay**).

Movables

"Possession"—Foreign domicile—Residence within the jurisdiction—Chattels removed by wife from husband's possession—Money withdrawn from joint account—Husband's claim for return of chattels and account of money—Community of property under law of domicile—Husband entitled to management and control—"Possession" included—Married Women's Property Act, 1882, s. 17.
In re **Bettinson's Question,** Wynn-Parry J. [1956] Ch. 67; [1955] 3 W.L.R. 510.

Remedy peculiar to foreign law

Right to order condemning father to enter into dowry contract with son-in-law.
Phrantzes v. Argenti, Lord Parker C.J. [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521.

Right depending on discretion of foreign court

Right to dowry under Greek Law.
Phrantzes v. Argenti, Lord Parker C.J. [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521.

Right depending on status

Enforceability outside country of domicile—Right in personam—Right to dowry under Greek legislation.
Phrantzes v. Argenti, Lord Parker C.J. [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521.

Submission to. See **Infant.**

Trade dispute

Comity—Workers in Scottish factory—English employers—Award by tribunal in England—Certiorari—Jurisdiction of Scottish courts.
Regina v. Industrial Disputes Tribunal. *Ex parte* **Kigass Ld.,** Divl.Ct. [1953] 1 W.L.R. 411.

Legitimacy

Polygamous marriage

Child legitimate by law of domicile—Succession to personal property.
Bamgbose v. Daniel, J.C. [1955] A.C. 107; [1954] 3 W.L.R. 561.

Subsequent marriage, by

Father domiciled abroad—Law applicable to inheritance under English will.
In re **Hurll, decd.,** Harman J. [1952] Ch. 722; [1952] 2 T.L.R. 85; [1952] 2 All E.R. 322.

Marriage. (*See also* HUSBAND AND WIFE.)

Property

Matrimonial domicile—Change of domicile contemplated on marriage—Law governing widow's rights to husband's property.
In re **Egerton's Will Trusts,** Roxburgh J. [1956] Ch. 593; [1956] 3 W.L.R. 453.

Movables. (*See also* **Jurisdiction.**)

Assignment

Foreign legislation—Validity—Expropriation without compensation—Property of foreign national—Invalidity—Application of principle by domestic tribunal—Oil concession in Iran—British company—Expropriation by Iranian Government—Sale—Oil in tanker at Aden—Claim by company—Jurisdiction of Aden court—Plea of coercion—Whether oil movable—Interest of sovereign State in oil—Plea of purchase in good faith.
Anglo-Iranian Oil Co. Ld. v. Jaffrate [The Rose Mary], Sup.Ct. of Aden [1953] 1 W.L.R. 246.

—————— ——— Foreign exchange legislation—Whether confiscatory—German Moratorium Law of 1933—Debt payable in London made payable to Konversionskase in Reichsmarks—German law proper law of contract.
In re **Claim by Helbert Wagg & Co. Ltd.,** Upjohn J. [1956] Ch. 323; [1956] 2 W.L.R. 183.

—————— ——— Lex situs in England—Non-confiscatory decree.
Bank Voor Handel en Scheepvaart N. V. v. Slatford, Devlin J. [1953] 1 Q.B. 248; [1952] 1 T.L.R. 341; [1952] 1 All E.R. 314.

Nullity. *See* HUSBAND AND WIFE.

Power of appointment

General power of appointment

Power contained in English settlement—General disposition in will of testatrix domiciled abroad—Whether exercise of power—Wills Act, 1837, s. 27.
In re **Waite's Settlement Trusts,** Danckwerts J. [1958] Ch. 100; [1957] 2 W.L.R. 1024.

CONFLICT OF LAWS—*continued.*

Power of appointment—*continued.*

Special power

Power under English will—donee domiciled in Scotland—Scottish will—Whether power exercised by will—Whether principles of construction of Scottish or English law applicable. *In re* **McMorran, decd.,** Harman J. [1958] Ch. 624; [1958] 2 W.L.R. 327.

Residence. *See* RESIDENCE.

Revenue laws. (*See also* **Confiscatory or political legislation.**)

Transaction in contravention of foreign tax law

Whether object may be set up to rebut presumption of advancement.
In re **Emery's Investments Trusts,** Wynn-Parry J. [1959] Ch. 410; [1959] 2 W.L.R. 461.

Whether enforceable in other state

Commonwealth countries. *In re* **Delhi Electric Supply and Traction Co. Ld.,** C.A. [1954] Ch. 131; [1953] 3 W.L.R. 1085.
Sub nom. **Government of India v. Taylor,** H.L.(E.) [1955] A.C. 491; [1955] 2 W.L.R. 303.

Scottish and English law. (*See also* JUDICIAL PRECEDENT.)

Comity

Trade dispute—Factory in Scotland—English employers—Award of tribunal—Certiorari—Jurisdiction. **Regina v. Industrial Disputes Tribunal.** *Ex parte* **Kigass Ld.,** Divl.Ct. [1953] 1 W.L.R. 411.

Settlement

Proper law

Executed in England—Parties domiciled in Ireland—English solicitors—Same system of law in both countries—No express power to invest in land in Ireland.
Iveagh v. Inland Revenue Comrs., Upjohn J. [1954] Ch. 364; [1954] 2 W.L.R. 494.

Sovereign immunity

Certificate of Commonwealth Relations Office

Breach of contract claim against sovereign ruler of foreign State—Ruler of a Pakistan State—Certificate of Commonwealth Relations Office—Effect of certificate—Immunity from process although sovereignty limited by statute—Government of India Act, 1935—India Independence Act, 1947.
Sayce v. Ameer Ruler Sadig Mohammad Abbasi Bahawalpur State, McNair J. [1952] W.N. 62; [1952] 1 T.L.R. 293; [1952] 1 All E.R. 326.
C.A. [1952] 2 Q.B. 390; [1952] 1 T.L.R. 1457; [1952] 2 All E.R. 64.

Corporate body

Separate legal entity—Whether department of state—Law applicable—Waiver of sovereign immunity—Submission to jurisdiction—Entry of appearance and order for security for costs without knowledge or authority of foreign sovereign—Ignorance of legal rights—Whether submission to jurisdiction.
Baccus S.R.L. v. Servicio Nacional del Trigo, C.A. [1957] 1 Q.B. 438; [1956] 3 W.L.R. 948.

Counterclaim against sovereign plaintiff

Action by High Commissioner and by foreign sovereign—Claim for money lent—Defence repayment not due—Counterclaim for slander—Whether counterclaim infringes sovereign immunity—Whether counterclaim related to subject-matter of claim—Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, s. 1.
High Commissioner for India v. Ghosh, C.A. [1960] 1 Q.B. 134; [1959] 3 W.L.R. 811.

Foreign State not a party to proceedings

Alleged interest in property in suit—Necessity for proof that claim not illusory or founded on defective title—Action to be stayed at point when it is established that conflicting rights have to be decided—Action in rem for possession of ship—Claim by Indonesian government to own it.
Juan Ysmael & Co. Inc. v. Government of Indonesia, J.C. [1955] A.C. 72; [1954] 3 W.L.R. 531.

Impleading foreign sovereign—Money belonging to one sovereign transferred to defendant servant of another foreign sovereign—Transfer by person entitled to operate bank account—No authority to transfer—Action to recover money—Claim that foreign sovereign impleaded or property of foreign sovereign affected—Scope of doctrine of immunity—Application to debt. **Nizam of Hyderabad v. Jung,** Upjohn J. [1956] 3 W.L.R. 667: C.A. [1957] Ch. 185; [1957] 2 W.L.R. 217.
sub nom. **Rahimtoola v. Nizam of Hyderabad,** H.L.(E.) [1958] A.C. 379; [1957] 3 W.L.R. 884.

Possessory right in subject-matter—Bailor—Deposit at Bank of England for safe custody by foreign State of gold bars—Action by owner against bank—Bars misdelivered by bank. **United States of America v. Dollfus Mieg et Cie, S.A.,** H.L.(E.) [1952] A.C. 582; [1952] 1 T.L.R. 541; [1952] 1 All E.R. 572.

Submission to jurisdiction

Agreement in contract to submit to jurisdiction of English courts—Foreign State sued on contract—Summons to set aside writ—Submission withdrawn—Withdrawal effective.
Kahan v. Pakistan Federation, C.A. [1951] 2 K.B. 1003; [1951] 2 T.L.R. 697.

CONFLICT OF LAWS—*continued.*

Sovereign immunity (*Submission to jurisdiction*)—*continued.*

Test of sovereignty—Continuation of proceedings instituted by sovereign—Japanese Judgments and Civil Proceedings Ordinance, 1946 (Singapore Ordinance No. 37 of 1946), s. 3. **Sultan of Johore v. Abubakar Tunku Aris Bendahar,** J.C. [1952] A.C. 318.

Succession. *See* **Administration; Adoption.**

Trade mark

Goodwill

Use of trade mark in different countries—Goodwill.
R. J. Reuter Co. Ld. v. Mulhens, C.A. [1954] Ch. 50; [1953] 3 W.L.R. 789.

Will. *See* **Administration; Immovable property; Power of appointment;** Probate.

CONSPIRACY. (*See also* Crime; Trade Dispute.)

Lawful protection of interest

Colour bar

Exclusion of coloured people from dance hall—Musicians' Union retaliate by banning members from performing in orchestra—Predominate reason for ban—Interest of members. **Scala Ballroom (Wolverhampton) Ltd. v. Ratcliffe,** C.A. [1958] 1 W.L.R. 1057.

CONSTITUTIONAL LAW

See Crown; Judge; Parliament; Statute (**Dominion**).

CONSTRUCTION

See Contract; Evidence; Partnership (**Deed**); Settlement; Severability.

CONTEMPT OF COURT

Appeal

Civil contempt

Refusal of committal order—Jurisdiction of Court of Appeal—Discretion or substantive law. **Lenton v. Tregoning,** C.A. [1960] 1 W.L.R. 333.

Committal order

Application by litigant in person

Such applicant not to be heard—R.S.C., Ord. 44, r. 2, note.
In re **G.'s Application for a Committal Order,** Vaisey J. [1954] 1 W.L.R. 1116.

Ex parte motion, on

Ward of court—Removal from jurisdiction—Order made on ex parte application by Court of Chancery of County Palatine of Lancaster—Ex parte application to extend order to High Court—Jurisdiction of Chancery Division—Court of Chancery of Lancaster Act, 1850, s. 15; R.S.C., Ord. 52, r. 3.
Bernstein v. Bernstein, Roxburgh J. [1960] Ch. 128; [1959] 3 W.L.R. 481.

Infant

Breach of undertaking to return child to jurisdiction—Party out of jurisdiction—Summons not served—Committal order made.
O'Donovan v. O'Donovan, Wallington J. [1955] 1 W.L.R. 1086.

Litigant in person

Whether privileged from arrest—Civil contempt.
In re **Hunt,** Divl.Ct. [1959] 1 Q.B. 378; [1959] 2 W.L.R. 95.
C.A. [1959] 2 Q.B. 69; [1959] 2 W.L.R. 686.

Costs. *See* Costs.

Counsel

Absence from court

Disregard of direction to attend—Discourtesy—Not contempt.
Izuora v. The Queen, J.C. [1953] A.C. 327; [1953] 2 W.L.R. 700.

Criticism of judiciary

Fair comment

Prison visitors' book—Entry by member of Legislature—Inaccurate comment in good faith on hearing of appeals in absence of prisoners—Whether contempt—Costs.
Perera v. The King, J.C. [1951] A.C. 482; [1951] 1 T.L.R. 829.

Debt

Maintenance order

School fees—Failure to pay—Right of attachment—Debtors Act, 1869, s. 4.
Farrant v. Farrant, Sachs J. [1957] P. 188; [1957] 2 W.L.R. 134.

Injunction

Slander

Slander repeated to member of parliament in breach of injunction—Unconnected with parliamentary proceedings—Jurisdiction of court to commit for contempt.
Rivlin v. Bilainkin, McNair J. [1953] 1 Q.B. 485; [1953] 2 W.L.R. 281.

Mens rea

Newspaper article

Innocent dissemination—Foreign periodical—Article prejudicial to defendant in criminal proceedings—Periodical edited and printed abroad—No responsible editor or manager in

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Mens rea (*Newspaper article*)—*continued.*

this country—Importers and distributors no knowledge of contents of periodical—Liability of distributors—Whether innocent dissemination a defence.
Reg. v. Griffiths. *Ex parte* **Attorney-General,** Divl.Ct. [1957] 2 Q.B. 192; [1957] 2 W.L.R. 1064.

Pending criminal proceedings—Article alleging criminal charges against defendant awaiting trial—Article calculated to prejudice fair trial—No knowledge by editor or reporter of pending proceedings—Whether mens rea necessary ingredient of contempt.
Reg. v. Odhams Press Ltd. *Ex parte* **Attorney-General** [1957] 1 Q.B. 73; [1956] 3 W.L.R. 796.

Order for possession

Re-entry after eviction

Defendant evicted from premises under writ of possession—Re-entry—Jurisdiction to commit. **Alliance Building Society v. Austen,** Roxburgh J. [1951] W.N. 623; [1951] 2 T.L.R. 1231; [1951] 2 All E.R. 1068.

Party to proceedings in contempt

Bar to relief

Custody—Mother ordered not to take child out of jurisdiction—Child taken out to Australia—Court order to return child within jurisdiction—No appeal entertained until child returned to jurisdiction. **Hadkinson v. Hadkinson,** C.A. [1952] P. 285; [1952] 2 T.L.R. 416; [1952] 2 All E.R. 567.

Pending proceedings. (*See also* PRACTICE.)

Court of Criminal Appeal

Newspaper article referring to character of appellant—No real risk of article affecting impartiality of judges—Whether calculated to prejudice fair hearing of appeal against sentence.
Reg. v. Duffy. *Ex parte* **Nash,** Divl.Ct. [1960] 2 Q.B. 188; [1960] 3 W.L.R. 320.

Perjury. *See* CEYLON.

Release from prison

Chancery Division

Procedure. **Practice Direction** [1952] W.N. 121.

Report of judicial proceedings

False report

Proceedings in chambers before master—Inaccurate comment on and description of proceedings in newspaper before matter adjourned into court—Motion for committal of editor for contempt of court.
Alliance Perpetual Building Society v. Belrum Investments Ltd., Harman J. [1957] 1 W.L.R. 720.

Trial for murder—Honest mistake by reporter—Publication in good faith—Interference with course of justice—Liability of editor and proprietors.
Regina v. Evening Standard Co. Ld., Divl.Ct. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861.

Prejudicial report

Application for bail before justices—Disclosure of accused person's criminal record—Publication in local newspapers before trial—No ground of inference that jurors prejudiced—Undesirability of newspaper reports of previous convictions before trial.
Rex v. Armstrong, C.C.A. [1951] W.N. 324; [1951] 2 T.L.R. 36; [1951] 2 All E.R. 219.

Solicitor

Issue of writ

Gaming debt—Bookmakers owing client money—Specially indorsed writ for account stated—Indorsement fictitious—Client knew action not maintainable but ignorant of indorsement—Client wanting to " show up " bookmakers—Whether solicitor and/or client in contempt. **Rex v. Weisz.** *Ex parte* **Hector MacDonald Ltd.,** Divl.Ct. [1951] 2 K.B. 611; [1951] 2 T.L.R. 337; [1951] 2 All E.R. 408.

Witnesses, influencing

Newspaper article

Restrictive Practices Court—Reference of boundary agreement between the co-operative societies—Complaint in article that co-operative society members would give evidence for registrar against boundary agreements—Newspaper circulating among members of co-operative societies—Whether effect of article to deter members from giving evidence—No intention to deter witnesses—Subsequent disclaimer in later issue of newspaper—Unqualified apology to court—Whether contempt of court—Whether penalty should be imposed.
In re **Doncaster and Retford Co-operative Societies' Agreement (Practice Note),** R.P.Ct. L.R. 2 R.P. 129.

Passing off action

Application to rectify Register of Trade Marks—Statement to persons engaged in the trade that defendant entitled to trade marks—Whether likely to deter possible witnesses from giving evidence—Whether contempt.
Carl-Zeiss-Stiftung v. Rayner & Keeler Ltd., Russell J. [1960] 1 W.L.R. 1145.

CONTRA BONOS MORES

Breach of promise

Promise by married man

Ceremony of marriage—Wife unaware of previous marriage—Public policy.
Shaw v. Shaw, C.A. [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265.

Common law misdemeanor. *See* CRIME.

Maintenance agreement

Legality

Covenant by wife that so long as husband punctually made agreed weekly payments she would not commence matrimonial proceedings—Action by wife for maintenance—Covenant not illegal but unenforceable.
Goodinson v. Goodinson, C.A. [1954] 2 Q.B. 118; [1954] 2 W.L.R. 1121.

CONTRACT

Anticipatory breach. *See* **Repudiation.**

Assignment. *See* ASSIGNMENT.

Author. *See* AUTHOR.

Breach of promise. *See* HUSBAND AND WIFE (**Marriage**).

Building. *See* BUILDING.

Burden of proof. *See* BURDEN OF PROOF.

Capacity

Infant

Apprenticeship agreement. *See* MASTER AND SERVANT.

Collateral warranty. (*See also* **Promise inducing.**)

Building licence

Promise by architect to obtain—Work carried out by builders in excess of licences obtained — Builders entitled to recover damages for breach of warranty against architect. **Strongman (1945) Ld. v. Sincock**, C.A. [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360.

Condition. *See* **Repudiation; Warranty.**

Conflict of Laws. *See* CONFLICT OF LAWS.

Consideration

Husband and wife

Covenant by husband to pay weekly sum—Covenant by wife to maintain herself to indemnify husband against debts and not to pledge his credit—Subsequent decree of divorce on ground of wife's desertion—Action by wife for arrears accrued due before decree nisi—Whether any consideration for husband's promise.
Williams v. Williams, C.A. [1957] 1 W.L.R. 148.

Separation deed—Covenant by husband to pay wife monthly sum—Supplemental agreement not under seal obliging husband to pay sum tax free—Supplemental agreement declared to express parties' original intention—Whether supplemental agreement unenforceable for want of consideration—Whether wife's refraining from suit for rectification sufficient consideration.
Horton v. Horton (No. 2), C.A. [1961] 1 Q.B. 215; [1960] 3 W.L.R. 914.

Landlord and tenant

Rent restriction—Mutuality—Promise by tenant to give up possession—Promise by landlord to give valuable consideration—Whether agreement enforceable by landlord.
Rajbenback v. Mamon, Wynn-Parry J. [1955] 1 Q.B. 283; [1955] 2 W.L.R. 21.

Promise to perform existing duty

Illegitimate child—Promise by father to pay weekly sum to mother so long as child well looked after—Child thereafter maintained by mother—Mother bound in law to maintain child—Whether consideration for father's promise.
Ward v. Byham, C.A. [1956] 1 W.L.R. 496.

Construction. (*See also* EVIDENCE; SETTLEMENT; WILL.)

Commercial document

Application of rules applicable to other documents—Surplusage. **S.A. Maritime et Commerciale of Geneva v. Anglo-Iranian Oil Co. Ld.**, Devlin J. [1953] 1 W.L.R. 1379. C.A. [1954] 1 W.L.R. 492.

Contra proferentem rule

Motor-car insurance. **Houghton v. Trafalgar Insurance Co. Ld.**, C.A. [1954] 1 Q.B. 247; [1953] 3 W.L.R. 985.

Deletion

Standard form—Relevance in construing form of deleted words.
Louis Dreyfus & Cie v. Parnaso Cia. Naviera S.A., Diplock J. [1959] 1 Q.B. 494; [1959] 2 W.L.R. 405.

Words in draft omitted in contract—Lease.
City and Westminster Properties (1934) Ltd. v. Mudd, Harman J. [1959] Ch. 129; [1958] 3 W.L.R. 312.

CONTRACT—*continued.*

Construction—*continued.*

Ejusdem generis rule. See EJUSDEM GENERIS RULE.

Expressio unius exclusio alterius

Bridge—Toll—Special agreement—Exemption—Extent of exemption.
Nyali Ltd. v. Attorney-General, H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341.

Landlord and tenant—Covenant for quiet enjoyment—Easement—Use of adjoining premises—Whether implied covenant to put tenant in possession of demised premises—Whether excluded by express covenant for quiet enjoyment—Interruption by person outside scope of express covenant. **Miller v. Emcer Products Ltd.,** C.A. [1956] Ch. 304; [1956] 2 W.L.R. 267.

Extrinsic evidence

Agreement in writing—Evidence that written agreement did not accurately record intention of parties. **O'Connor v. Hume,** C.A. [1954] 1 W.L.R. 824.

Ambiguity—Sale of business—Tax liability.
In re **Hollebone's Agreement,** C.A. [1959] 1 W.L.R. 536.

———— Whether correspondence as to meaning of clause admissible.
Henry Boot & Sons Ltd. v. London County Council, C.A. [1959] 1 W.L.R. 133.

Lease—Covenant regarding user—Nature of premises—Knowledge of user.
City and Westminster Properties (1934) Ltd. v. Mudd, Harman J. [1959] Ch. 129; [1958] 3 W.L.R. 312.

Rent restriction—Premium—Rent reduced below standard rent—Lump sum payment representing discounted balance of rent—Whether payment recoverable—Admissibility of extrinsic evidence of intention of parties.
Woods v. Wise, C.A. [1955] 2 Q.B. 29; [1955] 2 W.L.R. 734.

Government contract

Reference to regulations—Change of regulations—Railway—Grant of lands to contractor in prescribed statutory form—Reservation of "gold, silver and other precious "metals"—Subsequent statutory reservation of petroleum under all land in State—Effect on pre- and post-Act grants—Land Regulations, 1882 and 1887 (W.A.), second scheds.—Western Australia Constitution Act, 1890, s. 4 (2)—Petroleum Act, No. 36 of 1936 (W.A.), ss. 9, 10.
Midland Railway Co. of Western Australia Ltd. v. State of Western Australia, J.C. [1956] 1 W.L.R. 1037.

Meaningless term

Validity of agreement—"Subject to force majeure conditions"—Variety of force majeure conditions in trade.
British Electrical and Associated Industries (Cardiff) Ld. v. Patley Pressings Ld., McNair J. [1953] 1 W.L.R. 280.

———————— Subject to "usual conditions of acceptance"—Consensus ad idem—Whether contract concluded.
Nicolene Ltd. v. Simmonds, C.A. [1953] 1 Q.B. 543; [1953] 2 W.L.R. 717.

Validity of condition—Building contract—"Insurance"—Whether contractor liable to cover by insurance liability of building owner as well as his own liability.
Gold v. Patman & Fotheringham Ltd., C.A. [1958] 1 W.L.R. 697.

—— ———————— Undertaking by vendor to furnish "a guarantee."
Heisler v. Anglo-Dal Ltd., C.A. [1954] 1 W.L.R. 1273.

Power to amend terms unilaterally

Pension scheme—"Unforeseen circumstances."
Alfred Herbert Ltd. v. Hancocks, Cross J. [1960] 1 W.L.R. 271.

Repugnancy

Charterparty—Clause paramount—"This bill of lading" subject to Act—Whether clause meaningless. **Adamastos Shipping Co. Ltd. v. Anglo-Saxon Petroleum Co. Ltd.,** Devlin J. [1957] 2 W.L.R. 509; C.A. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 968. H.L.(E.) [1958] 2 W.L.R. 688.

Exceptions clause—Whether repugnant to main object of contract.
G. H. Renton & Co. Ltd. v. Palmyra Trading Corp. of Panama, McNair J. [1955] 3 W.L.R. 535; C.A. [1956] 1 Q.B. 462; [1956] 2 W.L.R. 232; H.L.(E.) [1957] A.C. 149; [1957] 2 W.L.R. 45.

Marine insurance—Cargo—"All risks from whatsoever cause arising"—Institute Cargo Clauses (Wartime Extension), cl. 6—Marine Insurance Act, 1906, s. 55 (2) (*c*).
F. W. Berk & Co. Ld. v. Style, Sellers J. [1956] 1 Q.B. 180; [1955] 3 W.L.R. 935.

Work and labour—Payment—Disputes over manner in which work carried out—Statement of balance owing sent to defendant—Cheque for less than balance claimed sent by defendant to company with words "In full and final settlement of account" on back—Cheque signed and indorsed by company secretary—Main object of transaction—Whether defendant liable for balance claimed.
Neuchatel Asphalte Co. Ltd. v. Barnett, C.A. [1957] 1 W.L.R. 356.

Substance or form of transaction. (*See also* LICENCE OR TENANCY.)

Rent restriction—Need to look at reality.
Elmdene Estates Ltd. v. White, H.L.(E.) [1960] A.C. 528; [1960] 2 W.L.R. 359.

CONTRACT—*continued.*

Construction—*continued.*

Ut res magis valeat quam pereat

Company's articles of association. **Rayfield v. Hands,** Vaisey J. [1958] 2 W.L.R. 851.

Promise to give notice of capacity of ship—Notice giving approximate capacity—Whether binding subject to de minimis rule.
Louis Dreyfus & Cie. v. Parnaso Cia. Naviera S.A., Diplock J. [1959] 1 Q.B. 494; [1959] 2 W.L.R. 405.
C.A. [1960] 2 Q.B. 48; [1960] 2 W.L.R. 637.

Written or typed provision

Preferred to printed—C.I.F. contract.
Société d'Avances Commerciales (London) Ltd. v. A. Besse & Co. (London) Ltd., Sellers J. [1952] 1 T.L.R. 644.

Currency. *See* CURRENCY.

Custom or usage

Admissibility in construing contract

Charterparty—Weather working day. **Alvion S.S. Corp. v. Galban Lobo Trading Co.,** McNair J. [1955] 1 Q.B. 430; [1954] 3 W.L.R. 618.

Arbitration

Agreement to arbitrate according to rules of trade association—Alleged custom that umpire should remain with appeal board in the absence of parties—Whether custom excluded by implication from terms of arbitration agreement.
London Export Corporation Ltd. v. Jubilee Coffee Roasting Co. Ltd., Diplock J. [1958] 1 W.L.R. 271.
C.A. [1958] 1 W.L.R. 661.

Manner of performance

Time when manner customary. **Carapanayoti & Co. Ltd. v. E. T. Green Ltd.,** McNair J. [1959] 1 Q.B. 131; [1958] 3 W.L.R. 390.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., Diplock J. [1960] 2 Q.B. 318; [1959] 2 W.L.R. 179.

Whether consistent with contract

Charterparty—Discharge of grain in bulk—Custom of Cork—Bagging.
Sameiling (A/S) v. Grain Importers (Eire) Ltd., Sellers J. [1952] 1 T.L.R. 847; [1952] 2 All E.R. 315.

Ejusdem generis rule. *See* EJUSDEM GENERIS RULE.

Election. *See* ELECTION; **Repudiation.**

Exceptions clause. (*See also* **Innocent Misrepresentation**).

Breach of fundamental term

Arbitration clause—Whether clause applicable.
Smeaton Hanscomb & Co. Ld. v. Sassoon I. Setty, Son & Co. (No. 1), Devlin J. [1953] 1 W.L.R. 1468.

Bailment—"Landing account" including London lighterage clause exempting bailees from liability for negligence—Goods handed over to bailor in damaged state—Claim for damages for breach of implied term to take reasonable care of goods stored—Bailee found negligent without giving evidence—Sufficient notice of exceptions clause—Bailee protected by clause against claim for negligence simpliciter—Whether clause would protect bailee against claim for breach of fundamental term of or deviation from contract—Onus of proof.
J. Spurling Ltd. v. Bradshaw, C.A. [1956] 1 W.L.R. 461.

Hire-purchase—Car in good condition subject of hire-purchase agreement—Car unusable when delivered—Hirer's refusal to accept—Lender disentitled from relying on exceptions clause. **Karsales (Harrow) Ltd. v. Wallis,** C.A. [1956] 1 W.L.R. 936.

Towage—Towage contractors to be indemnified for all "damage whatsoever"—Tow in collision with another vessel—Indemnity. **The Albion,** C.A. [1953] 1 W.L.R. 1026.

Burden of proof

No evidence as to how loss occurred—Bailment—Condition—"All goods left at customer's "risk"—Loss of goods—No proof that loss due to negligence of bailees—Liability of bailees. **Woolmer v. Delmer Price Ld.,** McNair J. [1955] 1 Q.B. 291; [1955] 2 W.L.R. 329.

Conversion

Cargo released to consignee against indemnity without production of bill of lading—"Responsibility of . . . carrier . . . to cease absolutely after" discharge—Whether carrier liable.
Sze Hai Tong Bank Ltd. v. Rambler Cycle Co. Ltd., J.C. [1959] A.C. 576; [1959] 3 W.L.R. 214.

Negligence

Building contract—Construction of jetty for Admiralty—Contractor liable for damage to works "arising from any cause whatsoever"—Jetty damaged by negligent navigation of Admiralty vessel—Jetty repaired by contractor—Whether cost of repairs recoverable.
A. E. Farr Ld. v. Admiralty, Parker J. [1953] 1 W.L.R. 965.

CONTRACT—*continued.*

Exceptions clause (*Negligence*)—*continued.*

Building contract—Redecoration of premises—Damage by fire—Contracting out of liability—General words—Whether including negligence—Clear intention of parties—Effect of provision of insurance.
James Archdale & Co. Ld. v. Comservices Ld., C.A. [1954] 1 W.L.R. 459.

Lease of freight shed. **Canada Steamship Lines v. The King**, J.C. [1952] 1 T.L.R. 261; [1952] 1 All E.R. 305.

Liability of hirers of equipment and driver for negligence of driver—Driver "shall be "under direction and supervision of the hirer who shall be responsible for his action "as though the driver were in the hirer's direct employ."
Herdman v. Walker (Tooting) Ltd. City Plant Hirers Ltd. (Third Party), Pearce J. [1956] 1 W.L.R. 209.

Municipal caravan site—Theft of caravan—Exemption from liability of local authority for loss by "any person using camping ground."
Halbauer v. Brighton Corporation, C.A. [1954] 1 W.L.R. 1161.

Personal injury—Claim based on breach of contract—Alternative claim for negligence—Hire of tradesman's cycle—Effect of exceptions clause.
White v. John Warwick & Co. Ld., C.A. [1953] 1 W.L.R. 1285.

Tenancy agreement—Landlord not "in any circumstances" responsible for damage caused by water—Damage to tenant's goods by water escaping from cistern in water closet retained in landlord's possession—Landlord's liability for negligence.
Akerib v. Booth Ltd., Jones J. [1960] 1 W.L.R. 454.

Third party, whether benefited. See **Implied term; Parties.**

Formation. (*See also* **Mistake; Non-contractual agreement.**)

Consensus ad idem

Agreement "subject to force majeure conditions"—Conditions applicable not agreed.
British Electrical and Associated Industries (Cardiff) Ld. v. Patley Pressings Ld., McNair J. [1953] 1 W.L.R. 280.

Agreement subject to "usual conditions of acceptance"—Meaningless term—Whether contract concluded—Sale of goods.
Nicolene Ld. v. Simmonds, C.A. [1953] 1 Q.B. 543; [1953] 2 W.L.R. 717.

Intention to create legal relationship

Competition—Fashion competition in newspaper—Three forecasts by different persons in one coupon—Coupon submitted in defendant's name—Agreement to "go shares"—Claim to recover share of prize. **Simpkins v. Pays**, Sellers J. [1955] 1 W.L.R. 975.

Family arrangement—Sharing home—Agreement by plaintiffs to leave their own home and share home of defendants and by defendants to devise their house to female plaintiff. **Parker v. Clark**, Devlin J. [1960] 1 W.L.R. 286.

Husband and wife—Joint bank account.
Gage v. King, Diplock J. [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460.

No intention to create new obligations

Intention to give effect to believed existing rights—Mistake of law—Whether new contract created. **Beesly v. Hallwood Estates Ltd.**, Buckley J. [1960] 1 W.L.R. 549.

Notice of conditions

Quasi-contract. **Goodyear Tyre and Rubber Co. (Great Britain) Ltd. v. Lancashire Batteries Ltd.**, Upjohn J. [1958] 1 W.L.R. 655.
C.A. [1958] 1 W.L.R. 857.

Offer and acceptance

Contract by telephone—Offer made by Telex communication from London—Acceptance by Telex message from Holland — Acceptance received in London — Contract made in London—Service of writ out of the jurisdiction—Subsequent variation of contract—Effect on where made—R.S.C., Ord. 11, r. 1 (*e*) (i).
Entores Ld. v. Miles Far East Corporation, C.A. [1955] 2 Q.B. 327; [1955] 3 W.L.R. 48.

Crown. **Australian Woollen Mills Ltd. v. Commonwealth of Australia**, J.C. [1956] 1 W.L.R. 11.

Self-service—Time of sale.
Pharmaceutical Society of Great Britain v. Boots Cash Chemists (Southern) Ld., Lord Goddard C.J. [1952] 2 Q.B. 795; [1952] 2 T.L.R. 340; [1952] 2 All E.R. 456.
C.A. [1953] 1 Q.B. 401; [1953] 2 W.L.R. 427.

Fraud. *See* FRAUD.

Frustration. (*See also* ARBITRATION (**Arbitrator** (*Jurisdiction*)).)

Building contract

Delay—Specified time for completion—Delay due to scarcity of labour—Neither party in fault—Work ultimately completed—Claim by contractors on a quantum meruit.
Davis Contractors Ld. v. Fareham Urban District Council, C.A. [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388;
H.L.(E.) [1956] A.C. 696; [1956] 3 W.L.R. 37.

CONTRACT—*continued.*

Frustration—*continued.*

C.i.f. contract

Usual and customary route via Suez blocked—Finding that shipment round the Cape not commercially or fundamentally different.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., Diplock J. [1960] 2 Q.B. 318; [1959] 2 W.L.R. 179.
C.A. [1960] 2 Q.B. 188; [1960] 2 W.L.R. 869.

——— Whether obligation to send goods round Cape. **Carapanayoti & Co. Ltd. v. E. T. Green Ltd.**, McNair J. [1959] 1 Q.B. 131; [1958] 3 W.L.R. 390.

——— Whether performance "a thing radically "different from that which was undertaken by the contract"—Whether parties "must "have made" contract on basis of continued availability of canal.
Albert D. Gaon & Co. v. Société Interprofessionelle des Oléagineux Fluides Alimentaires, Ashworth J. [1960] 2 Q.B. 318; [1959] 3 W.L.R. 622.
C.A. [1960] 2 Q.B. 188; [1960] 2 W.L.R. 869

Charterparty. (*See also Strike.*)

Time charter—Option to purchase ship—Ship stranded—Notice of abandonment to underwriters—Purported exercise of option to purchase—Implied termination of contract if commercial purpose of charterparty rendered impossible.
Blane Steamships Ltd. v. Minister of Transport, C.A. [1951] 2 K.B. 965; [1951] 2 T.L.R. 763.

——— Requisition for three months—Ten months to run after requisition.
Port Line Ltd. v. Ben Line Steamers Ltd., Diplock J. [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551.

Voyage charter—Loading of cargo prevented by government forces during civil war—Abandonment of voyage—Justification.
Atlantic Maritime Co. Inc. v. Gibbon, Sellers J. [1953] 2 W.L.R. 725; C.A. [1954] 1 Q.B. 88; [1953] 3 W.L.R. 714.

——— Usual and customary route via Suez blocked—Whether term of charterparty that vessel to go via Suez—Construction of charterparty—Basis of doctrine of frustration—Whether Blockage of Suez must have been unforeseen at time of charterparty. **Société Franco Tunisienne D'Armement v. Sidermar S.P.A.**, Pearson J. [1960] 3 W.L.R. 701.

Fact or law. See FACT OR LAW.

Lease

Inapplicability of doctrine.
Cusack-Smith v. London Corporation, Stable J. [1956] 1 W.L.R. 1368.

Option

Sale of goods—C.i.f.—Prohibition of export—Prohibition begun during period for shipment—Ten days' grace before taking effect—Cancelling clause.
Ross T. Smyth & Co. Ld. (Liverpool) v. W. N. Lindsay Ld. (Leith), Devlin J. [1953] 1 W.L.R. 1280.

Sale of land

Compulsory purchase supervening. **Hillingdon Estates Ltd. v. Stonefield Estates Ltd.**, Vaisey J. [1952] Ch. 627; [1952] 1 T.L.R. 1099; [1952] 1 All E.R. 853.

Strike

Whether frustrating charterparty. **Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food**, McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 668.

Supervening event

Supply of newsreel film—No frustrating event—Uncontemplated turn of events—Effect on contract.
British Movietonews Ltd. v. London and District Cinemas Ltd., C.A. [1951] 1 K.B. 190; 66 T.L.R. (Pt. 2) 203; [1950] 2 All E.R. 390.
H.L.(E.) [1952] A.C. 166; [1951] 2 T.L.R. 571; [1951] 2 All E.R. 617.

Work and labour

Work done on premises—False assumption as to grant of sublease.
Jennings v. Woodman, Matthews & Co., C.A. [1952] 2 T.L.R. 409.

Gold clause. See GOLD CLAUSE.

Illegality. (*See also* **Public policy**; CONTRA BONOS MORES; GAMING.)

Arbitration

Award based on illegal contract—Jurisdiction of court to set aside—Arbitration Act, 1950 s. 23. **David Taylor & Son Ld. v. Barnett Trading Co.**, C.A. [1953] 1 W.L.R. 562.

Bill of lading

Indemnity for clean bill—Goods "shipped in apparent good order and condition"—Statement false to knowledge of shipowner—Indemnity taken—Whether enforceable.
Brown Jenkinson & Co. Ltd. v. Percy Dalton (London) Ltd., C.A. [1957] 2 Q.B. 621; [1957] 3 W.L.R. 403.

Contra bonos mores. See CONTRA BONOS MORES.

CONTRACT—*continued.*

Illegality—*continued.*

Damages

Sale of wheat seeds—Breach of condition regarding description—Same wheat sold by merchants to plaintiff on same description—Failure by merchants to deliver to plaintiff statutory statement containing particulars—Plaintiff awarded damages against merchants—Recovery of their loss by merchants from their vendor as third party—Seeds Act, 1920, s. 1 (1). **Marles v. Philip Trant & Sons Ld.; Mackinnon, Third Party,** C.A. [1954] 1 Q.B. 29; [1953] 2 W.L.R. 564.

Foreign prohibition

Contract for sale of jute bags c.i.f. European port—Intention that contract goods be shipped from India for resale to South Africa—Prohibition by Indian Government of export of goods to South Africa—Repudiation of contract—Not enforceable in English courts. **Regazzoni v. K. C. Sethia (1944) Ltd.,** Sellers J. [1956] 2 W.L.R. 204; C.A. [1956] 2 Q.B. 490; [1956] 3 W.L.R. 79; H.L.(E.) [1958] A.C. 301; [1957] 3 W.L.R. 752.

Husband and wife

Maintenance agreement—Covenant by wife that so long as husband punctually made agreed weekly payments she would not commence or prosecute any matrimonial proceedings against the husband—Other considerations for agreement—Husband in arrears—Action by wife for maintenance—Covenant not illegal but unenforceable—Agreement not invalidated. **Goodinson v. Goodinson,** C.A. [1954] 2 Q.B. 118; [1954] 2 W.L.R. 1121.

Landlord and tenant

Agreement—User requiring planning permission—Undertaking by tenant during negotiations for letting to apply for permission—Planning permission refused—Whether agreement to let before permission obtained void for illegality—Town and Country Planning Act, 1947, ss. 12 (1), 23 (1), 24 (3). **Best v. Glenville,** C.A. [1960] 1 W.L.R. 1198.

Option to grant new lease in original form—Rent reduced by rent tribunal—Option exercised—Refusal to grant new lease—Furnished Houses (Rent Control) Act, 1946, ss. 2, 4 (1), 9. **Mauray v. Durley Chine (Investments) Ld.,** Gerrard J. [1953] 1 W.L.R. 524. C.A. [1953] 2 Q.B. 433; [1953] 3 W.L.R. 296.

Place of performance, by law of

Law or executive order—Temporary prevention—Loading of ship postponed. **Compania Crystal de Vapores of Panama v. Herman & Mohatta (India) Ltd.,** Devlin J. [1958] 2 Q.B. 196; [1958] 3 W.L.R. 36.

Restraint of trade. See RESTRAINT OF TRADE.

Road traffic

Sale of motor-lorry—Haulage permit necessary for use of lorry—Seller registered as owner—Object to deceive transport authorities—Lorry operated in unlawful manner—Seller subsequently removing lorry from buyer's possession—Claims for return of lorry or its value—Whether claim vitiated by deceit—Whether property in lorry passed to buyer—Road Transport Proclamation (Malaya) dated October 6, 1945—Registration of Motor Vehicles Regulations (Malaya), 1945, reg. 2—Motor Vehicles Commercial Use (Amendment) Regulations (Malaya), 1948, reg. 3. **Singh v. Ali,** J.C. [1960] 2 W.L.R. 180. [1960] A.C. 167.

Sale of motor-vehicle—Mechanical defects—"Not fit for use on the road"—Whether sale unlawful—Defects in construction and equipment—Defects in use and maintenance—Road Traffic Act, 1930, s. 3 (1)—Road Traffic Act, 1934, s. 8 (1)—Motor Vehicles (Construction and Use) Regulations, 1951. **Vinall v. Howard,** Streatfeild J. [1953] 1 W.L.R. 987. C.A. [1954] 1 Q.B. 375; [1954] 2 W.L.R. 314.

Security given

Agreement for Italian money to be made available in Italy, and to be paid for with English money in England—Share certificate deposited by defendant with plaintiff as security for payment—Italian money not made available—Defendant claimed return of share certificate—Right to relief. **Bigos v. Bousted,** Pritchard J. [1951] 1 All E.R. 92.

Statute, prohibited by

Illegality in performance—Utility goods—Contract of sale—Failure of seller to furnish requisite invoice—Utility Mark and Apparel and Textiles (General Provisions) Order, 1947, regs. 2 (1), 10. **B. & B. Viennese Fashions v. Losane,** C.A. [1952] 1 T.L.R. 750; [1952] 1 All E.R. 909.

Payment of premium for lease—Whether recoverable. **Kiriri Cotton Co. Ltd. v. Dewani,** J.C. [1960] A.C. 192; [1960] 2 W.L.R. 127.

Shipping—Overloading—Effect on contract of carriage—Whether shipowner entitled to recover freight—Merchant Shipping (Safety and Load Line Conventions) Act, 1932, ss. 44, 57. **St. John Shipping Corporation v. Joseph Rank Ltd.,** Devlin J. [1957] 1 Q.B. 267; [1956] 3 W.L.R. 870.

CONTRACT—*continued.*

Illegality—*continued.*

Tax avoidance. See MASTER AND SERVANT (**Remuneration** (*Weekly Salary and expenses allowance*)).

Trading with the enemy. See TRADING WITH THE ENEMY.

Waiver

Waiver by local authority of compliance with by-law.
Townsend (Builders) Ltd. v. Cinema News and Property Management Ltd., C.A. [1959] 1 W.L.R. 119

Warranty of legality

Building contract—Promise by architect to obtain licences required by regulations—Work carried out in excess of licences obtained—Builders entitled to damages for breach of warranty against architect. **Strongman (1945) Ld. v. Sincock,** C.A. [1955] 2 Q.B. 526; [1955] 3 W.L.R. 360.

Implied contract. (*See also* **Implied term.**)

Master and servant

Oral agreement for three years unenforceable—Implied contract for reasonable notice.
James v. Thomas H. Kent & Co. Ltd., C.A. [1951] 1 K.B. 551; [1951] 1 T.L.R. 552.

Implied term

Arbitration

Award—Implied term that award capable of enforcement as judgment.
Margulies Brothers Ltd. v. Dafnis Thomaides & Co. (U.K.) Ltd., Diplock J. [1958] 1 W.L.R. 398.

Benefit to third party. (*See also* **Parties.**)

Bill of lading—Limitation of liability—Stevedores engaged by carrier—Action against stevedores for admitted negligence—Whether entitled to protection of limitation.
Midland Silicones Ltd. v. Scruttons Ltd., Diplock J. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761.
C.A. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372.

Third party's right to sue—Covenant respecting property—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. **Drive Yourself Hire Co. (London) Ld. v. Strutt,** Lynskey J. [1953] 2 W.L.R. 953.
C.A. [1954] 1 Q.B. 250; [1954] 3 W.L.R. 1111.

Breach by one party caused by other

Construction of jetty for Admiralty—Contractor liable for damage "arising from any "cause whatsoever"—Damage by Admiralty vessel.
A. E. Farr Ld. v. Admiralty, Parker J. [1953] 1 W.L.R. 965.

Building

Contract to complete erection of dwelling-house—Erection in accordance with specifications—Whether implied warranty as to fitness for habitation.
Lynch v. Thorne, C.A. [1956] 1 W.L.R. 303.

Commercial agreement

No provision for termination—Whether implication of term for determination.
Martin-Baker Aircraft Co. Ld. v. Canadian Flight Equipment Ld., McNair J. [1955] 2 Q.B. 556; [1955] 3 W.L.R. 212.

Consent not to be unreasonably withheld

Husband's agreement to pay child's medical expenses if "reasonable and approved by "the husband"—National Health Service not used.
Addison v. Brown, Streatfeild J. [1954] 1 W.L.R. 779.

Contract of service. See MASTER AND SERVANT.

Landlord and tenant

Express conditions of tenancy restricting tenant from doing work to premises without consent and reserving to landlords right to enter and do repairs—Practice of landlords to do repairs—Tenant of council flat injured by defect in premises—Whether term to be implied that landlords must keep premises fit for human habitation.
Sleafer v. Lambeth Borough Council, C.A. [1960] 1 Q.B. 43; [1959] 3 W.L.R. 485.

Shared accommodation—Effect of one tenant leaving.
Lockwood v. Lowe, C.A. [1954] 2 Q.B. 267; [1954] 2 W.L.R. 296.

Master and servant. See MASTER AND SERVANT.

Performance dependent on permission of third party

Obtaining of permission solely within power of promisor—Knowledge of parties at time of contract that permission might be needed—Implied warranty by promisor.
Compagnie Algerienne De Meunerie v. Katana Societa Di Navigatione Maritima, S.P.A., Diplock J. [1959] 1 Q.B. 527; [1959] 2 W.L.R. 366.
C.A. [1960] Q.B. 115; [1960] 2 W.L.R. 719.

Reasonable care

Contract to deliver anthracite at defendants' jetty on board plaintiffs' lighters—Damage to lighter while loading at jetty—Exception clause—Jetty-owners' liability.
Cawood Wharton & Co. Ltd. v. Samuel Williams & Sons Ltd. The Cawood III, Willmer J. [1951] P. 270; [1951] 1 T.L.R. 924.

CONTRACT—*continued.*

Implied term—*continued.*

Reasonable care to ensure safety

Ice-hockey match—Spectator, an infant, injury by rubber puck—Duty of promoters only to take due care to ensure safety—Risk incidental to game accepted by plaintiff.
Murray v. Harringay Arena Ltd., Ormerod J. [1951] W.N. 38.
C.A. [1951] 2 K.B. 529; [1951] 2 All E.R. 320.
C.A. [1960] 3 W.L.R. 372.

Reasonable performance

C.I.F. contract—Usual route—Time when route customary.
Carapanayoti & Co. Ltd. v. E. T. Green Ltd., McNair J. [1959] 1 Q.B. 131; [1958] 3 W.L.R. 390.
Albert D. Gaon & Co. v. Société Interprofessionelle des Oléagineux Fluides Alimentaires: Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., Diplock J. [1960] 2 Q.B. 318; [1959] 2 W.L.R. 179.
C.A. [1960] 2 Q.B. 188; [1960] 2 W.L.R. 869.

Sum payable not stipulated—Reasonable sum.
Powell v. Braun, C.A. [1954] 1 W.L.R. 401.

Reasonable safety of premises

Railway—Season ticket holder—Injury while about to enter train—Defective condition of platform near train—Duty of Executive to ensure reasonable safety of premises.
Protheroe v. Railway Executive, Parker J. [1951] 1 K.B. 376.

Sale of goods. See SALE OF GOODS.

Termination. See Trade association; **Termination.**

Trade association

Award under rules of union defining trading areas—Whether binding after society withdraws from union.
Bellshill and Mossend Co-operative Society Ltd. v. Dalziel Co-operative Society Ltd., H.L.(Sc.) [1960] A.C. 832; [1960] 2 W.L.R. 580.

Change of rules requiring member to break contracts—Whether term implied against such change—Motor-car dealer's contractual obligations to waiting customers—Dealer ordered by trade association to sell only on condition that car not resold within 12 months.
Hartwells of Oxford Ltd. v. British Motor Trade Association, C.A. [1951] Ch. 50.

Trade union

Membership of trade union affiliated to Trades Union Congress—Whether term to be implied in contract of membership enabling union to comply with award of T.U.C. disputes committee—Contemplation of parties.
Spring v. National Amalgamated Stevedores and Dockers Society, Ct. Cty. Palatine of Lancaster [1956] 1 W.L.R. 585.

Work and labour

No contract—Negotiations for lease—Subject to contract—Agreement to alter premises—Negotiations abortive—Claim for cost of alterations—Request implied in law.
Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

Sublease would be granted. **Jennings v. Woodman, Matthews & Co.**, C.A. [1952] 2 T.L.R. 409.

Work and materials

Implied warranty as to fitness for particular purpose—Duty of customer to disclose to contractor any relevant abnormal circumstance known to customer—Hairdresser dyeing customer's hair—Sale of Goods Act, 1893, s. 14 (1).
Ingham v. Emes, C.A. [1955] 2 Q.B. 366; [1955] 3 W.L.R. 245.

Indemnity, of. (*See also* INSURANCE.)

Against personal injuries claims

Applicability of insurance principles—Stevedores—Stipulation of reasonable precautions to prevent accidents—Stevedores not to use improper or inadequate gear—Use by employers contrasted with use by foreman.
T. F. Maltby Ltd. v. Pelton Steamship Co. Ltd., Devlin J. [1951] W.N. 531; [1951] 2 All E.R. 954.

Innocent misrepresentation. (*See also* **Mistake.**)

Representation as to conditions of contract

Dress left for cleaning—Cleaners exempted from liability for damage however caused—Receipt signed by plaintiff—Innocent misrepresentation by shop assistant that liability not accepted for certain specific risks, *i.e.*, damage to trimmings—Dress stained—Negligence—Whether exemption operative.
Curtis v. Chemical Cleaning and Dyeing Co., C.A. [1951] 1 K.B. 805; [1951] 1 T.L.R. 452; [1951] 1 All E.R. 631.

Representation of opinion

Implied representation of reasonable grounds therefor—Sales particulars—Reversion on death of annuitant—Annuitant "believed to have no aggregable estate"—Statement as to material fact by well-known solicitors to induce purchase—No reasonable supporting grounds—Vendor's means of knowledge superior to purchaser's.
Brown v. Raphael, C.A. [1958] Ch. 636; [1958] 2 W.L.R. 647.

CONTRACT—*continued.*

Innocent misrepresentation—*continued.*

Rescission

Sale of lorry—Delivery and acceptance—Claim to rescind—Whether claim maintainable. **Long v. Lloyd,** C.A. [1958] 1 W.L.R. 753.

Jus tertii. *See* **Parties.**

Marriage. *See* HUSBAND AND WIFE (**Marriage**).

Mistake

Mistake as to identity

Sale of car to purchaser physically present—Purchaser impersonated reputable businessman—Offer and acceptance—To whom was offer addressed—Whether mistake vitiated contract—Whether contract void or voidable.
Ingram v. Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504.

Mutual mistakes as to essential matter of fact

Contract impossible in itself—Contract void—Effect of statutory provisions—Indian Contract Act, IX of 1872, ss. 20, 56.
Sheikh Brothers Ltd. v. Ochsner, J.C. [1957] A.C. 136; [1957] 2 W.L.R. 254.

Sale of goods

Innocent misrepresentation—Mutual mistake as to nature of goods.
Frederick E. Rose (London) Ld. v. William H. Pim Jnr. & Co. Ld., C.A. [1953] 2 Q.B. 450; [1953] 3 W.L.R. 497.

Sale by description—Mistake by buyer and sellers as to description—Delivery of goods in accordance with description. **Harrison & Jones Ld. v. Bunten & Lancaster Ld.,** Pilcher J. [1953] 1 Q.B. 646; [1953] 2 W.L.R. 840.

Unilateral

Innocent misrepresentation. **Hasham v. Zenab,** J.C. [1960] A.C. 316; [1960] 2 W.L.R. 374.

Natural justice. *See* NATURAL JUSTICE.

Non-contractual agreement

Effect

" Binding in honour only "—Football pool. **Customs and Excise Comrs. v. Pools Finance (1937) Ltd.,** C.A. [1952] W.N. 165; [1952] 1 T.L.R. 792; [1952] 1 All E.R. 775.

Offer and acceptance. *See* **Formation.**

Onus of proof. *See* BURDEN OF PROOF.

Option. *See* ELECTION; LANDLORD AND TENANT.

Parties. (*See also* AGENCY.)

Company

In process of formation—Not registered—Contract of sale purporting to be made by company—Signature of future director below name of company—Whether contract enforceable by director.
Newborne v. Sensolid (Great Britain) Ltd., Parker J. [1952] W.N. 491; [1952] 2 T.L.R. 763.
C.A. [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596.

Enforcement by third party. (*See also* **Implied term** (*Benefit*).)

Bill of lading—Limitation of liability—Stevedores engaged by carrier—Action against stevedores for negligence—Whether entitled to protection of limitation.
Midland Silicones Ltd. v. Scruttons Ltd., Diplock J. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761.
C.A. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372.

Company's articles of association—Enforcement between members inter se.
Rayfield v. Hands, Vaisey J. [1958] 2 W.L.R. 851.

Contract of affreightment by buyers—Damage to goods during loading due to negligence of shipowners—No passing of property in goods—Whether sellers party to contract of carriage. **Pyrene Co. Ld. v. Scindia Navigation Co. Ld.,** Devlin J. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005.

Exceptions clause—Conditions exempting shipping company from liability for injury to passenger—Injury to passenger due to alleged negligence of servants of company—Action against servants—Whether entitled to protection of conditions.
Adler v. Dickson, Pilcher J. [1954] 3 W.L.R. 450.
C.A. [1955] 1 Q.B. 158; [1954] 3 W.L.R. 696.

Insurance—Death of employee—Policy contracted by employer—Whether employee's estate has interest in policy moneys. **Green v. Russell,** C.A. [1959] 3 W.L.R. 17.

Money had and received—Debtor and creditor—Debtor's promise to pay money to third party as gift from creditor—Failure to pay—Whether action for money had and received will lie at suit of third party—Whether " fund " in hands of or accruing to debtor. **Shamia v. Joory,** Barry J. [1958] 1 Q.B. 448; [1958] 2 W.L.R. 84.

Towage—Implied agency—Whether tugowners contracting as agents for master and crew of tug. **The Kirkness,** Willmer J. [1957] P. 51; [1957] 2 W.L.R. 20.

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Penalty clause

Forfeiture clause

Penalty or in the nature of penalty—Principle of equity—Whether applicable.
Stockloser v. Johnson, C.A. [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439.

Hire-purchase agreement

Clause giving owner's right to determine on non-payment and receive full balance unpaid.
Cooden Engineering Co. Ltd. v. Stanford, C.A. [1953] 1 Q.B. 86; [1952] 2 T.L.R. 822; [1952] 2 All E.R. 915.

Hirer in arrears with payment of instalments—Breach of agreement—Agreement terminated by owners—Car returned to owners—Claim by owners under depreciation clause for sum equal to three-quarters of purchase price—Unenforceable.
Lamdon Trust Ld. v. Hurrell, Denning L.J. [1955] 1 W.L.R. 391.

Motor-car—Hirer in arrears with payment of instalments—Breach of agreement—Agreement terminated by owners—Car returned to owners—Claim by owners under depreciation clause for sum equal to three-quarters of purchase price.
Lamdon Trust Ld. v. Hurrell, Denning L.J. [1955] 1 W.L.R. 391.

Performance. *See* **Implied term** (*Reasonable performance*).

Promise inducing. (*See also* SALE OF GOODS (**Warranty**); VENDOR AND PURCHASER.)

Auction

Heifer—Oral assurance of vendor as to condition—Printed conditions of sale excluding any warranty not in writing—Heifer's death from tuberculosis—Right of buyer to damages. **Harling v. Eddy,** C.A. [1951] 2 K.B. 739; [1951] 2 T.L.R. 245; [1951] 2 All E.R. 212.

Lease

Covenant regarding user—Promise not to enforce.
City and Westminster Properties (1934) Ltd. v. Mudd, Harman J. [1959] Ch. 129; [1958] 3 W.L.R. 312.

Representation as to conditions of contract

Dress left for cleaning—Cleaners exempted from liability for damage however caused—Receipt signed by plaintiff—Innocent misrepresentation by shop assistant that liability not accepted for certain specific risks, *i.e.*, damage to trimmings—Dress stained—Negligence—Whether exemption operative.
Curtis v. Chemical Cleaning and Dyeing Co., C.A. [1951] 1 K.B. 805; [1951] 1 T.L.R. 452; [1951] 1 All E.R. 631.

Public authority, by. (*See also* CROWN.)

Fettering future action

Contract for removal of local authority's refuse by barges of prescribed type—New by-laws made to take effect after two years required barges of different type—Contract frustrated when by-laws effective—Claim to rescission—Allegation of anticipatory breach at date by-law made—Public Health (London) Act, 1936, ss. 1, 5, 84 (1) (*a*).
William Cory & Son Ltd. v. London Corporation, Lord Goddard C.J. [1951] 1 K.B. 8; [1950] 2 All E.R. 584.
C.A. [1951] 2 K.B. 476; [1951] 2 T.L.R. 174; [1951] 2 All E.R. 85.

Public policy. (*See also* CONTRA BONOS MORES; **Illegality**; PUBLIC POLICY.)

Freedom of contract

Order for motor-car from dealer—Manufacturer's requirement that purchaser sign covenant not to re-sell within twelve months—Purchaser's refusal—Whether contract without covenant contrary to public policy.
Monckland v. Jack Barclay Ltd., C.A. [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714.

Paramount public policy.
G. H. Renton & Co. Ltd. v. Palmyra Trading Corpn. of Panama, C.A. [1956] 1 Q.B. 462; [1956] 2 W.L.R. 232.
H.L. [1957] A.C. 149; [1957] 2 W.L.R. 45.

General charge

Enforceability—"All . . . income and estate from whatsoever source" charged to secure payment of annuity. **Syrett v. Egerton,** Divl.Ct. [1957] 1 W.L.R. 1130.

Ouster of jurisdiction of courts

Foreign court—Maintenance agreement.
Addison v. Brown, Streatfeild J. [1954] 1 W.L.R. 779.

Quasi-contract. *See* RESTITUTION.

Recission. *See* **Innocent misrepresentation; Repudiation.**

Rectification

Sale of goods by description

Mutual mistake as to nature of goods induced by innocent misrepresentation by sellers—Commodity A believed identical with commodity B—Concluded oral agreements for commodity B—Written contracts in like terms.
Frederick E. Rose (London) Ld. v. William H. Pim Jnr. & Co. Ld., C.A. [1953] 2 Q.B. 450; [1953] 3 W.L.R. 497.

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Remoteness of damage. *See* DAMAGES.

Repudiation

Acceptance

Statement of claim, in—Subsequently amended—Whether plaintiff may treat contract as still subsisting. **Vine v. National Dock Labour Board,**
C.A. [1956] 1 Q.B. 658; [1956] 2 W.L.R. 311;
H.L.(E.) [1957] A.C. 488; [1957] 2 W.L.R. 106.

Anticipatory breach

Contract for removal of local authority's refuse by barges of prescribed type—New by-laws made to take effect after two years required barges of different type—Contract frustrated when by-laws effective—Claim to rescission—Allegation of anticipatory breach at date by-law made—Public Health (London) Act, 1936, ss. 1, 5, 84 (1) (*a*).
William Cory & Son Ltd. v. London Corporation, Lord Goddard C.J.
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C.A. [1951] 2 K.B. 476; [1951] 2 T.L.R. 174; [1951] 2 All E.R. 85.

Innocent misrepresentation by agent—Mistake—No repudiation by principal.
Peter Dumenil & Co. Ld. v. James Ruddin Ld., C.A. [1953] 1 W.L.R. 815.

Nature of. **Universal Cargo Carriers Corporation v. Citati,** Devlin J. [1957] 2 Q.B. 401;
[1957] 2 W.L.R. 713;
C.A. [1957] 1 W.L.R. 979.

Bankruptcy, act of

Sale of land. **Jennings' Trustee v. King,** Harman J. [1952] Ch. 899;
[1952] 2 T.L.R. 469; [1952] 2 All E.R. 608.

Dispute as to effect of agreement

Construction—Reliance on bona fide but mistaken construction not repudiation.
James Shaffer Ld. v. Findlay Durham & Brodie, C.A. [1953] 1 W.L.R. 106.

Election

Insurance—Dwelling-house and contents—Proposal form basis of contract of insurance—Under-statement by assured in proposal form of value of contents—Burglary—Claim by assured—Whether insurance company, having affirmed the policy, were entitled to repudiate the claim. **West v. National Motor and Accident Insurance Union Ld.,**
C.A. [1955] 1 W.L.R. 343.

Master and servant

Wrongful dismissal—Disobedience of servant—Whether wilful disregard of essential condition of service.
Laws v. London Chronicle (Indicator Newspapers) Ltd., C.A. [1959] 1 W.L.R. 698.

Waiver

Letter calling on other party for "immediate performance"—Acceptance later of repudiation. **Ian Stach Ltd. v. Baker Bosley Ltd.,** Diplock J. [1958] 2 Q.B. 130;
[1958] 2 W.L.R. 419.

Restraint of trade. *See* RESTRAINT OF TRADE.

Sale of goods. *See* SALE OF GOODS.

Sale of land. *See* VENDOR AND PURCHASER.

Seal

Corporation

Demolition contract with corporation not under seal—Whether enforceable—Law of Property Act, 1925, s. 74 (2)—Local Government Act, 1933, s. 266.
A. R. Wright & Son Ltd. v. Romford Borough Council,
Lord Goddard C.J. [1957] 1 Q.B. 431; [1956] 3 W.L.R. 896.

Suspension

Notice to determine

Nature of notice—Patent—Licence subject to compensation for exceeding quota—Agreement to suspend payments of compensation—Litigation between parties—Counterclaim seeking to enforce payments—Whether sufficient notice—Patent—Licence—Condition—"Prohibit or restrict"—Meaning—Patents and Designs Act, 1907, s. 38 (1).
Tool Metal Manufacturing Co. Ld. v. Tungsten Electric Co. Ld.,
C.A. [1954] 1 W.L.R. 862.
H.L.(E.) [1955] 1 W.L.R. 761.

Termination

Advertising

Free supply to hotel of tariff booklets containing advertisements—Agreement to circulate or display—Whether determined by sale of hotel.
General Publicity Services Ltd. v. Best's Brewery Co. Ltd., Jones J.
[1951] W.N. 139; [1951] 1 T.L.R. 521.
C.A. [1951] W.N. 507; [1951] 2 T.L.R. 875.

——————— Agreement to circulate or display in course of business "over a period of three years"—Option to re-issue on same terms for further three years—Date of lapse of option.
General Publicity Services Ltd. v. Teign Hotel Ltd., C.A. [1951] W.N. 587.

Commercial agreement

No provision for determination—Permission to manufacture—Whether presumption of permanence—Whether implication of term for determination—Relationship not intended by parties to be permanent—Contract determinable on reasonable notice.
Martin-Baker Aircraft Co. Ld. v. Canadian Flight Equipment Ld.,
McNair J. [1955] 2 Q.B. 556; [1955] 3 W.L.R. 212.

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Termination—*continued.*

Employment

Agreement—Agreement between two companies that neither company would engage servants of the other—No provision giving power to determine contract—Duration.
Kores Manufacturing Co. Ltd. v. Kolok Manufacturing Co. Ltd., Lloyd-Jacob J. [1959] Ch. 108; [1957] 1 W.L.R. 1012. C.A. [1958] 2 W.L.R. 858.

Family agreement

Sharing home—Promise of bequest by owners—Whether agreement for their lives.
Parker v. Clark, Devlin J. [1960] 1 W.L.R. 286.

Gift of land for school

Clause avoiding gift on failure of school—Use of school ceasing 116 years later—Whether avoidance clause effective.
Bankes v. Salisbury Diocesan Council of Education Incorporated, Russell J. [1960] 2 W.L.R. 916.

Time for performance

Conditional contract

Date fixed for completion of sale—Condition then unfulfilled.
Aberfoyle Plantations Ltd. v. Cheng, J.C. [1960] A.C. 115; [1959] 3 W.L.R. 1011.

Tort of procuring breach

Ingredients

Trade dispute. **D. C. Thomson & Co. v. Deakin,** Upjohn J. and C.A. [1952] Ch. 646; [1952] 1 T.L.R. 1397; [1952] 2 T.L.R. 105; [1952] 2 All E.R. 361.

Tort or breach of contract

Contract of service

Injury to servant—Damages claimed—Writ alleging breach of contract—Duty impliedly owed by master to servant.
Matthews v. Kuwait Bechtel Corporation, C.A. [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702.

Trading with the enemy. *See* TRADING WITH THE ENEMY.

Uncertainty. *See* **Construction** (*Meaningless term*).

Warranty. *See* **Promise inducing**; INSURANCE; SALE OF GOODS; VENDOR AND PURCHASER; WORK AND LABOUR.

Where made. *See* **Formation**; PRACTICE (**Writ**).

Work and labour. *See* WORK AND LABOUR.

Writing. (*See also* SALE OF GOODS (**Memorandum**); VENDOR AND PURCHASER.)

Master and servant

Oral agreement of service for three years—No sufficient memorandum in writing—Wrongful dismissal—Agreement void—Statute of Frauds, 1677, s. 4.
James v. Thomas H. Kent & Co. Ltd., C.A. [1951] 1 K.B. 551; [1951] 1 T.L.R. 552.

CONTRIBUTION

Between joint tortfeasors. *See* JOINT TORTFEASORS.

CONTRIBUTORY NEGLIGENCE

See JOINT TORTFEASOR; NEGLIGENCE; STATUTORY DUTY.

CONVERSION. (*See also* CRIME (**Fraud**); DETINUE; PARTNERSHIP.)

Act of

Offer for sale

Crime. **Rogers v. Arnott,** Divl.Ct. [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73.

Cheque. *See* BILL OF EXCHANGE.

Contract

Exceptions clause

Cargo released to consignee against indemnity without production of bill of lading—"Responsibility of . . . carrier . . . to cease absolutely after" discharge—Whether carrier liable.
Sze Hai Tong Bank Ltd. v. Rambler Cycle Co., J.C. [1959] A.C. 576; [1959] 3 W.L.R. 214.

Purchase in good faith

Fraudulent conversion by seller

Conviction of seller for larceny—Seller agent of owner whose agency had ended—Title of purchaser from agent.
Jerome v. Bentley & Co., Ormerod J. [1952] W.N. 357; [1952] 2 T.L.R. 58; [1952] 2 All E.R. 114.

Possession of motor-car obtained by fraud—Sale to innocent third party—False pretences—Larceny by a trick—"Consent" of the original owner—Title of innocent purchaser—Sale of Goods Act, 1893, s. 25—Factors Act, 1889, ss. 2, 9.
Du Jardin v. Beadman Bros. Ltd., Sellers J. [1952] 2 Q.B. 712; [1952] 1 T.L.R. 1601; [1952] 2 All E.R. 160.

COPYRIGHT. (*See also* AUTHOR; PASSING OFF.)

Assignment. (*See also* **Infringement.**)

Assignment of performing right

Whether transmissible or personal to assignee.
Loew's Incorporated v. Littler, C.A. [1958] Ch. 650; [1958] 2 W.L.R. 787.

Contract of service

Book

Accountant employed by plaintiffs—Methods of business of employers disclosed—Contract for services—Copyright Act, 1911, s. 5 (1) (*b*).
Stevenson Jordan & Harrison Ltd. v. Macdonald & Evans, C.A. [1952] W.N. 7; [1952] 1 T.L.R. 101.

Damages for breach. *See* DAMAGES (**Exemplary**).

Death of author

Assignment before death

Before 1911—Rights of assignee—Assignment of performing right before Act of 1911—Death of authors after 1911—Rights of assignee thereafter—Copyright Act, 1911. s. 24 (1). **Loew's Incorporated v. Littler,** C.A. [1958] Ch. 650; [1958] 2 W.L.R. 787.

Emergency legislation

Ownership in enemy alien

Non-exclusive statutory licence granted by Comptroller of Patents to publish musical work—Vesting of copyright in British subject on death of owner—British subject entitled to grant non-exclusive licence to publish musical work—Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, s. 2 (1).
Novello & Co. Ltd. v. Hinrichsen Edition Ltd., Wynn-Parry J. [1951] Ch. 595; [1951] 1 All E.R. 779.
C.A. [1951] Ch. 1026; [1951] 2 T.L.R. 645; [1951] 2 All E.R. 457.

Infringement

Assignment

Agreement for partial assignment—Exclusive right to publish work in " volume form "—Defendants' publication of whole work in single issue of weekly periodical—Periodical a " volume "—Assignees right to sue without joining owner of copyright—Copyright Act, 1911, ss. 1 (2), 2 (1), 5 (2), (3). **Jonathan Cape Ld. v. Consolidated Press Ld.,** Danckwerts J. [1954] 1 W.L.R. 1313.

Infringement

Damages. See DAMAGES (**Exemplary**).

Literary work. See **Literary work.**

Musical work

Gramophone records—Distribution for cash price to members of public sending chocolate wrappers—Whether sale " by retail "—" Ordinary retail selling price "—Meaning—Copyright Act, 1956, s. 8—Copyright Royalty System (Records) Regulations, 1957, para. 1.
Chappell & Co. Ltd. v. Nestlé Co. Ltd., C.A. [1958] Ch. 529; [1958] 2 W.L.R. 657.
H.L.(E.) [1960] A.C. 87; [1959] 3 W.L.R. 168.

Relayed public performance—Transmission and reception equipment—Use of wires of independent telephone company—Equipment not a " gramophone "—No exemption from fees, charges or royalties—Canadian Copyright Amendment Act, (S.C. 1938, c. 27, s. 4), s. 10B (6) (*a*).
Associated Broadcasting Co. Ltd. v. Composers, Authors and Publishers Association of Canada Ltd., J.C. [1954] 1 W.L.R. 1484.

Portrait

Psychic artist—Likeness of deceased person—Offer for sale only on completion—" Portrait "—Meaning—Ownership—Copyright Act, 1911, s. 5 (1).
Leah v. Two Worlds Publishing Co. Ltd., Vaisey J. [1951] Ch. 393; [1951] 1 T.L.R. 298.

Literary work

Information

Compilation—Football championship fixtures list—Whether fixtures list subject of copyright—Publication of extracts on football pools coupons—Whether infringement—Copyright Act, 1956, ss. 2 (1) (5) (*a*) (*b*) (*f*), 48 (1).
Football League Ltd. v. Littlewoods Pools Ltd., Upjohn J. [1959] Ch. 637; [1959] 3 W.L.R. 42.

Parody

Words of popular song—Whether reproduction of substantial part of original work—Copyright Act, 1956, s. 49 (1).
Joy Music Ltd. v. Sunday Pictorial Newspapers (1920) Ltd., McNair J [1960] 1 Q.B. 60; [1960] 2 W.L.R. 645.

Registered design

" *Medal* "

Coronation medallion—Whether subject of copyright—Copyright Act, 1911, s. 22—Registered Designs Act, 1949, s. 1 (4)—Designs Rules, 1949, r. 26.
Reliance (Nameplates) Ltd. v. Art Jewels Ltd., Vaisey J. [1953] 1 W.L.R. 530.

CORPORATION. (*See also* COMPANY; LOCAL GOVERNMENT).

Corporation sole

Buddhist temple

Whether capable of owning property.
Thero v. Wijewardena, J.C. [1960] A.C. 842; [1960] 2 W.L.R. 954.

Land

Commissioner—Ceylon.
Land Commissioner v. Pillai, J.C. [1960] A.C. 854; [1960] 3 W.L.R. 626.

Powers

To hold land on trust—Endowed school—Gift to rector on trust.
Bankes v. Salisbury Diocesan Council of Education Incorporated, Russell J. [1960] Ch. 631; [1960] 2 W.L.R. 916.

Powers. (*See also* MORTMAIN.)

Alienation of land

Land held under statutory powers for public benefit—Compatibility with statutory objects—Easement—Dedication of highway—Footpath over private accommodation bridge over railway. **British Transport Com. v. Westmorland County Council,** Divl.Ct. [1956] 2 W.L.R. 428; C.A. [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1022; H.L.(E.) [1958] A.C. 126; [1957] 2 W.L.R. 1032.

CORRECTIVE TRAINING

See CRIME.

CORROBORATION

See CRIME (**Evidence**).

COSTS. (*See also* LEGAL AID.)

Appeal, Court of

Jurisdiction

Judgment for plaintiffs at trial—Plaintiffs refused costs because of unsatisfactory witness—Appeal as to costs without leave of judge—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 31 (1), 50 (1)—R.S.C., Ord. 65, r. 1.
Baylis Baxter Ltd. v. Sabath, C.A. [1958] 1 W.L.R. 529.

Transcript of evidence

Selection of necessary material.
Dixon v. City Veneering Mills Ld., C.A. [1953] 1 W.L.R. 1369.

Apportionment

Several actions

No order for consolidation—Agreement that evidence in plaintiffs' action deemed to be taken in other actions—Judgment for plaintiffs—Taxation of costs—Apportionment.
Boguslawski v. Gdynia Ameryka Linie (No. 2), C.A. [1951] 2 K.B. 328; [1951] 2 All E.R. 113.

Arbitration. *See* ARBITRATION.

Bankruptcy. *See* BANKRUPTCY.

"Bullock" order

"Bullock" or Sanderson order

Discretion of court—County court—Action against three defendants—Judgment against insolvent defendant—Whether unsuccessful defendant should pay costs of successful defendants—Whether plaintiff should pay costs of successful defendants with right to recover from unsuccessful defendant. **Mayer v. Harte,** C.A. [1960] 1 W.L.R. 770.

Certiorari. *See* CROWN PRACTICE.

Charitable bequest

Charities claiming under will

Claims dismissed—Claims without merit—Whether costs payable out of testator's estate.
In re **Preston's Estate,** Vaisey J. [1951] Ch. 878; [1951] 2 T.L.R. 258; [1951] 2 All E.R. 421.

Cy-près scheme

Summons to determine effect of bequest—Claim by defendant society to share in cy-près scheme—No direct claim to gift—Right to costs.
In re **Daysh, decd.,** Wynn-Parry J. [1951] W.N. 30; [1951] 1 T.L.R. 257.

Construction summons

Unnecessary parties

Whether right to costs out of estate.
In re **Amory, decd.,** Roxburgh J. [1951] W.N. 561; [1951] 2 All E.R. 947.

Contempt of court

Taxation

Motion for committal or attachment—Respondents guilty of contempt—Order for payment of costs as between solicitor and client—Meaning—Whether costs to be taxed on indemnity basis—R.S.C., Ord. 65, r. 27 (29).
Morgan v. Carmarthen Corporation, Danckwerts J. [1957] 2 W.L.R. 396; C.A. [1957] Ch. 455: [1957] 2 W.L.R. 869.

COSTS—*continued.*

Contribution to

Prior agreement

Offer by one of co-defendants to contribute proportion of damages recovered—Order to pay smaller proportion—Liability for costs—R.S.C., Ord. 16A, r. 12A—County Courts Act, 1934, s. 100. **Clarke v. E. R. Wright & Son (a Firm)**, C.A. [1957] 1 W.L.R. 1191.

Contributory negligence. *See* NEGLIGENCE.

Costs follow event. (*See also* ARBITRATION; CRIME; **Discretion of court; Nominal damages.**)

Discretionary remedy sought

Jurisdiction to order successful defendant to pay plaintiff's costs—Rent restriction—Possession application—Tenant causing nuisance—Landlord's application for possession dismissed—Tenant ordered to pay landlord's costs—County Court Rules, 1936, Ord. 47, r. 1—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I (*b*). **Ottway v. Jones**, C.A. [1955] 1 W.L.R. 706.

Counsel's fees. *See* BARRISTER.

County court action

Action for "payment of money"

Claim for damages—Payment into court within eight days—Payment of fixed costs—Express denial of liability—Whether defendant liable for more than fixed costs—County Court Rules, 1936, Appendix D—County Court (Amendment) Rules, 1957, Ord. 11, r. 1 (1) (*b*).
Allott v. Wagon Repairers Ltd. Rutherford v. B.O.A.C., C.A. [1959] 1 W.L.R. 384.

Claim for unliquidated damages—Costs incurred by plaintiff before issue of summons—Fixed costs marked on summons by court officers—Payment into court within eight days—Whether plaintiff can recover taxed costs—Whether claim for damages an action for "the payment of money"—County Court Rules, 1936, Appendix D—County Court (Amendment) Rules, 1957, Ord. 11, r. 1 (1) (*b*).
Reid v. Thomas Bolton & Sons Ltd., C.A. [1958] 1 W.L.R. 266.

Counterclaim

Admission of claim by defendant—Litigation on counterclaim only—Defendant successful on counterclaim—Nominal costs only recoverable by plaintiff—Sum proffered by defendant and refused by plaintiff before action brought—Sum recovered by plaintiff on balance less than that offered before action brought.
Childs v. Gibson. Childs v. Blacker, C.A. [1954] 1 W.L.R. 809.

Lands Tribunal—Costs awarded by tribunal on county court scale 3—Order for costs of hearing before tribunal on scale 3 awarded to successful appellants by Court of Appeal—No application for certificates for increased charges and fees made until year after order as to costs—Grant of certificates out of time in discretion of court—County Court Rules, 1936, Ord. 47, r. 21 (4).
Sandown Park Ld. v. Castle, C.A. [1955] 1 W.L.R. 747.

Money received on behalf of plaintiff retained by defendant against claim for fees—Plaintiff's action to recover money necessitated by defendant's behaviour—Defendant's recovery of part of money on set-off—Counterclaim dismissed—Discretion as to costs vested in county court unfettered by any rule of law laid down in Court of Appeal decisions—County Court Rules, 1936, Ord. 47, r. 1.
Nicholson v. Little, C.A. [1956] 1 W.L.R. 829.

Payment into court with fixed costs accepted

Accepted by plaintiff but subsequent application for "further costs"—Costs incurred before issue of summons—Discretion of court—Refusal to allow amendment of incomplete bill—County Court Rules, 1957, amended by County Court (Amendment) Rules, 1959, Ord. 11, r. 1 (3) (*c*). **Hopkins v. Manners**, C.A. [1960] 1 W.L.R. 599.

Set-off

Counterclaim or set-off—Claim extinguished by set-off—Judgment for defendant on claim and for balance of counterclaim—Appropriate order for costs—County Court Rules, 1936 (as amended), Ord. 47. **Hanak v. Green**, C.A. [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755.

Tort or contract

Action against window cleaners for negligence—Damage to chandelier—Action brought in High Court—Recovery of more than £50 and less than £100—Scale of costs applicable—County Courts Act, 1934, s. 47.
Jackson v. Mayfair Window Cleaning Co. Ltd., Barry J. [1952] W.N. 51; [1952] 1 T.L.R. 175; [1952] 1 All E.R. 215.

Transferred to High Court

Action for over £100—Transferred by defendants to High Court—Judgment given for the plaintiff in the High Court for £87—Whether action "commenced in the High Court"—Whether plaintiff entitled to costs on High Court scale—County Courts Act, 1934, s. 47. **Turner v. Jacaranda Clubs Ltd.**, Streatfeild J. [1953] 1 W.L.R. 961.

County court jurisdiction, High Court action within

Less than £400 recovered

Payment into court of £250 accepted—Whether costs on county court scale—Test to be applied—County Courts Act, 1934, s. 47 (1), as substituted by County Courts Act, 1955, s. 1 (2).
Hopkins v. Rees and Kirby Ltd., Glyn-Jones J. [1959] 1 W.L.R. 740.

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Court fees and fixed costs

Alteration

Supreme Court Fees (Amendment) Order, 1958 (S.I. 1958, No. 160 (L.3)).
Practice Direction, Sup.Ct. [1958] 1 W.L.R. 308.

Petition under Romilly's Act

Stamp duty—Whether court fees chargeable—Charities Procedure Act, 1812, s. 3.
In re **Elsie Inglis (London) Memorial Fund,** Harman J. [1954] 1 W.L.R. 407.

Court of Appeal. *See* **Appeal.**

Crime. *See* CRIME.

Crown practice. *See* CROWN PRACTICE.

Discretion of court. (*See also* **Costs follow event.**)

Ambit of court's discretion

Interpleader proceedings—R.S.C., Ord. 65, r. 1.
John Fairfax & Son Pty. Ltd. v. E. C. de Witt & Co. (Australia) Pty. Ltd., C.A. [1958] 1 Q.B. 323; [1957] 3 W.L.R. 877.

County court.

Discretion as to costs vested in county court unfettered by any rule of law laid down in Court of Appeal decisions—County Court Rules, 1936 (S.R. & O., 1936, No. 626/L.17), Ord. 47, r. 1. **Nicholson v. Little,** C.A. [1956] 1 W.L.R. 829.

Fatal Accidents Acts. *See* FATAL ACCIDENTS ACTS.

Husband and wife. *See* HUSBAND AND WIFE; LEGAL AID.

Interpleader. *See* PRACTICE.

Joint tortfeasors

Contribution

Written offer of contribution before trial—Offer refused—Liability for costs—R.S.C., Ord. 16A, r. 12A. **Bragg v. Crosville Motor Services Ltd.,** C.A. [1959] 1 W.L.R. 324.

——————————— To be treated as payment into court—Whether tortfeasor making offer entitled to costs after notional payment into court—R.S.C., Ord. 30, r. 2 (2) (*j*).
Basted v. Cozens & Sutcliffe Ld., Devlin J. [1954] 1 W.L.R. 1069.

Justices. (*See also* JUSTICES.)

Appeal to Divisional Court

Convicted defendant wins appeal—Power of Divisional Court to order him costs in court below. **Turner & Son Ld. v. Owen,** Divl.Ct. [1956] 1 Q.B. 48; [1955] 3 W.L.R. 700.

Impropriety of clerk—No order against justices or clerk.
Hobby v. Hobby, Divl.Ct. [1954] 1 W.L.R. 1020.

Crown practice. See CROWN PRACTICE.

Penalty in guise of costs

Attendance of salaried person necessary for prosecution—Prosecution not legally represented—Evidence by police officer—Whether prosecution incurred costs—"Costs"—Whether order just and reasonable—Costs in Criminal Cases Act, 1952, s. 6 (1).
Reg. v. Burt, *Ex parte* **Presburg,** Divl.Ct. [1960] 1 Q.B. 625; [1960] 2 W.L.R. 398.

Landlord and tenant. *See* LANDLORD AND TENANT.

Lands Tribunal

Appeal to House of Lords

Apportionment of costs between successful respondents—Valuation officer and council—One set of costs only.
Shell-Mex and B.P. Ltd. v. Clayton, (C.A. [1955] 1 W.L.R. 982); H.L.(E.) [1956] 1 W.L.R. 1198.

Compensation for compulsory purchase

Legal and accountancy expenses incurred in preparation of claim—Whether recoverable as part of compensation—Lands Tribunal Act, 1949, s. 3 (5), Sch. I, Pt. II, para. 5 (1) (2) (3)—Lands Tribunal Rules, 1956, r. 49 (1 (2).
London County Council v. Tobin, C.A. [1959] 1 W.L.R. 354.

Discretion

Tribunal's fee—Development value—Appeal from Central Land Board's determination—Direction of tribunal as to costs—Town and Country Planning Act, 1947, ss. 58, 60—Claims for Depreciation of Land Values Regulations, 1948, rr. 12, 13—Lands Tribunal Act, 1949, ss. 1, 3—Lands Tribunal Rules, 1949, rr. 42, 52.
Wootton v. Central Land Board, Divl.Ct. [1957] 1 W.L.R. 424

Scale

Costs awarded by tribunal on county court scale 3—Order for costs of hearing before tribunal on scale 3 awarded to successful appellants by Court of Appeal—No application for certificates for increased charges and fees made until year after order as to costs—Grant of certificates out of time in discretion of court—County Court Rules, 1936, Ord. 47, r. 21 (4). **Sandown Park Ld. v. Castle,** C.A. [1955] 1 W.L.R. 747.

Legal Aid. *See* LEGAL AID.

Mortgage. *See* MORTGAGE.

COSTS—*continued.*

New rules

Cause of extra expense

Rules of the Supreme Court (Appeals), 1955, Ord. 58, r. 3 (2).
Sansom v. Sansom, C.A. [1956] 1 W.L.R. 945.

Nominal damages

Contributory negligence

Parties equally to blame—Damages equal in amount—Action and counterclaim dismissed—Form of order.
Smith v. W. H. Smith & Sons Ltd. C.A. [1952] W.N. 117; [1952] 1 All E.R. 528.

Whether plaintiff successful

Sale of goods—Claim for £2,000—Defence that defect in goods remediable for £52—Amendment claiming £52—Judgment for £52—Plaintiff relying on amendment at trial of statement of claim—Whether plaintiff entitled to costs.
Anglo-Cyprian Trade Agencies Ltd. v. Paphos Wine Industries Ltd., Devlin J. [1951] W.N. 205; [1951] 1 All E.R. 873.

Payment into court. (*See also* **County court.**)

Exact sum awarded

Exercise of discretion—Reason for departure from "normal rule" that judge thought of awarding more—Leave to appeal refused—Jurisdiction of Court of Appeal to hear appeal—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*h*)—R.S.C., Ord. 22, r. 6. **Wagman v. Vare Motors Ltd.,** C.A. [1959] 1 W.L.R. 853.

Lesser sum awarded

Issue on which plaintiff succeeded—Contributory negligence contested—Whether plaintiff entitled to costs of contested issue—Exercise of discretion—R.S.C., Ord. 22, r. 6—Annual Practice, 1959, note.
Hultquist v. Universal Pattern and Precision Engineering Co. Ltd., C.A. [1960] 2 Q.B. 467; [1960] 2 W.L.R. 886.

"Normal rule"—Question whether that rule exists undecided.
Nolan v. C. & C. Marshall Ld., McNair J. [1954] 2 Q.B. 42; [1953] 3 W.L.R. 257.
(C.A. [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285.)

Payment by one of two defendants

Acceptance by plaintiff—Whether money "recovered" in the action—Plaintiff's costs against unsuccessful defendant on county court scale—Successful defendant's costs against plaintiff on High Court scale—R.S.C., Ord. 22, r. 4—County Courts Act, 1955, s. 1. **Parkes v. Knowles,** Lynskey J. [1957] 1 W.L.R. 1040.

Tender. See PRACTICE.

Privy Council. *See* PRIVY COUNCIL.

Probate. *See* PROBATE.

Rent restriction. *See* LANDLORD AND TENANT.

Security for costs. *See* HUSBAND AND WIFE (**Divorce**) ; LEGAL AID; PRACTICE.

Set-off

Counterclaim or set-off

Counterclaim amounting to equitable set-off. **Baylis Baxter Ltd. v. Sabath,** C.A. [1958] 1 W.L.R. 529.

Slip rule. *See* PRACTICE.

Solicitor. *See* SOLICITOR.

"Solicitor and client." *See* **Taxation.**

Taxation. (*See also* LEGAL AID.)

Application to review

Chancery Division—Supreme Court Costs Rules, 1959 (S.I. 1959, No. 1958, Sch. 2), s. 35.
Practice Direction [1960] 1 W.L.R. 1194.

Queen's Bench Division—Supreme Court Costs Rules, 1959, r. 35.
Practice Direction, Q.B.D. [1960] 1 W.L.R. 1226.

Exhaustive

Probate—Taxation and payment of certain costs—Subsequent bill of costs of administration—Order to pay refused.
In the Estate of Segalov, Wallington J. [1952] P. 241; [1952] 1 T.L.R. 1540; [1952] 2 All E.R. 107.

Objection

Duty of taxing officer—Reasons to be given—Divorce—Legal aid—Barrister—Brief fee in undefended divorce—Case heard out of London—Legal Aid and Advice Act, 1949, Sch. 3. **Eaves v. Eaves & Powell,** Sachs J. [1956] P. 154; [1955] 3 W.L.R. 984.

Statement of claim containing different causes of action against different defendants—Judgment for plainitff against one defendant—Action dismissed against other defendants—Objection to taxing master's certificate—How costs apportionable.
Korner v. H. Korner & Co. Ltd., C.A. [1951] Ch. 10; 66 T.L.R. (Pt. 2) 469; [1950] 2 All E.R. 451.

Taxing master's certificate irregular—Summons to review incompetent—"Donaldson" Practice—R.S.C., Ord. 65, r. 27 (39) (40) (41).
In re **Fraser,** Roxburgh J. [1958] 1 W.L.R. 6.

COSTS—*continued.*

Taxation—*continued.*

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Form—Chancery Division—Originating summons—Construction of document or variation of trust. **Practice Direction,** Ch.D. [1960] 1 W.L.R. 114.

Solicitor and own client

Company party to action—Compulsory winding up—Taxation in companies winding-up department of company's solicitor's costs—Taxation as between solicitor and own client—Solicitor's objections on taxation—Disallowance by registrar of objections—Summons to review taxation—"Necessary or proper" costs, charges and expenses—R.S.C., Ord. 65, r. 27, reg. 29.
In re **Mercury Model Aircraft Supplies Ltd.,** Roxburgh J. [1956] 1 W.L.R. 1153.

Contempt of court—Respondents guilty of contempt—Order for payment of applicants' costs as between solicitor and client—Costs to be taxed on indemnity basis.
Morgan v. Carmarthen Corpn., Danckwerts J. [1957] 2 W.L.R. 396; C.A. [1957] Ch. 455; [1957] 2 W.L.R. 869.

Principles applicable—Divorce. **Gibbs v. Gibbs,** Havers J. [1952] P. 332; [1952] 1 T.L.R. 1143; [1952] 1 All E.R. 942.

Solicitor litigant acting for self—Costs of instructing, consulting or attending on London agent—R.S.C., Ord. 65, r. 27 (29).
Reed v. Gray, Roxburgh J. [1952] Ch. 337; [1952] 1 T.L.R. 114; [1952] 1 All E.R. 241.

Witness fee

Housewife. **Reed v. Gray,** Roxburgh J. [1952] Ch. 337; [1952] 1 T.L.R. 114; [1952] 1 All E.R. 241.

Third party proceedings

Bank of England stock

Transfers forged by trustee—Claim for restoration to register by surviving trustee—Third party proceedings by bank against jobbers and stockbrokers who presented transfers—Claim for indemnity.
Welch v. Bank of England, Harman J. [1955] Ch. 508; [1955] 2 W.L.R. 757.

Sale of goods

String contract—Claim for price of goods sold and delivered—Counterclaim by buyers that goods not of contract quality—Sellers joined suppliers as third party—Third party joined by fourth party—Failure of counterclaim—Sellers ordered to pay costs of third and fourth parties—Buyers ordered to pay sellers' own costs but not costs payable to third and fourth parties—Injudicial exercise of discretion.
L. E. Cattan Ltd. v. A. Michaelides & Co., Diplock J. [1958] 1 W.L.R. 717.

Trustee

Indemnity as to costs

Counsel's fees—Hearings adjourned and curtailed—Payment of full fees demanded—Whether trustees entitled to indemnity.
In re **Grimthorpe, decd.,** Danckwerts J. [1958] 1 W.L.R. 381.

Form of order—Explanation as to form—Trustee Act, 1925, s. 60.
Practice Note (Trustees' Costs), Ch.D. [1953] 1 W.L.R. 1452.

——— Not as between solicitor and client—Trustee Act, 1925, s. 60.
Practice Direction (Trustee's Costs), Ch.D. [1953] 1 W.L.R. 1365.

Hostile litigation between trustees and beneficiaries—Whether trustees entitled to costs on basis of indemnity—Solicitor and client.
In re **Dargie, decd.,** Vaisey J. [1954] Ch. 16; [1953] 1 W.L.R. 991.

Winding up. *See* COMPANY.

COUNSEL

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COUNTY COURT

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Costs. *See* COSTS.

County Court Rules

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Effect. **Payne v. Cooper,** C.A. [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741.

Whether affecting general law

Executor failing to plead plene administravit—Presumption—County Court Rules, 1936, Ord. 32, r. 2. **Marsden v. Regan,** C.A. [1954] 1 W.L.R. 423.

High Court

Action transferred from

Jurisdiction of county court—Action for unliquidated damages begun in High Court—Agreement contained in letters between parties to transfer action to county court—No express abandonment by plaintiff of excess of claim over £400—Consent order by master

COUNTY COURT—*continued.*

High Court (*Action transferred from*)—*continued.*

to transfer—No statement in order of provision under which master acted—Whether jurisdiction of county court unlimited—Agreement not in existence when summons to transfer issued—Agreement not filed until after judgment—Whether county court deprived of jurisdiction—County Courts Act, 1934, ss. 43, 45, 65; County Court Rules, 1936, Ord. 16, r. 10 (2) (*b*)—County Courts Act, 1959, ss. 41, 42, 45, 67.
Williams v. Settle, C.A. [1960] 1 W.L.R. 1072.

Action transferred to. See Costs (**County court jurisdiction**).

Application to transfer action to

"Important question of law or fact likely to arise"—Difficult question between the parties sufficient—County Courts Act, 1934, s. 44 (as substituted by the County Courts Act, 1955, s. 1 (4), Sch. 1, Part 1, para. 3).
Patterson v. Ellis, C.A. [1957] 1 W.L.R. 857.

High Court proceedings

Similar issue. See Estoppel; Husband and Wife.

Judge

Duty to take notes. See Court of Appeal.

Registrar

Landlord and tenant—Rent restriction—Transmitted statutory tenancy—Application for declaration by sole claimant—Jurisdiction—Remission to registrar for decision—Application to vary registrar's decision—Status and duty of judge—County Courts Act, 1934, s. 90. **Butler v. Hudson,** C.A. [1953] 2 Q.B. 407; [1953] 3 W.L.R. 227.

Judgment. *See* Judgment.

Jurisdiction

Action for recovery of land

House—Legal charge—Mortgagee's action for possession against surety—Consent to judgment by defendant—County court judge's refusal to hear case—County Courts Act, 1934, ss. 43, 53; County Court Rules, 1936, Ord. 24, r. 4 (2).
Regina v. Judge Willes. *Ex parte* **Abbey National Building Society,** Divl.Ct. [1954] 1 W.L.R. 136.

Landlord and tenant

Application for new tenancy of business premises—Incidental question whether tenant entitled to specific performance—Premises over £500 in value—Rateable value less than £500—Landlord and Tenant Act, 1954, s. 63 (2).
Cornish v. Brook Green Laundry Ltd., C.A. [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215.

Mortgagee's claim for possession of mortgaged property—Annual value less than £100—Amount due and owing in respect of mortgage in excess of £500—Whether "action "for the recovery of land"—Whether "proceedings . . . for enforcing any charge or "lien"—Right of mortgagee to bring action in county court—County Courts Act, 1934, ss. 48, 52 (1) (*c*) (as amended).
Reg. v. Judge Dutton Briant. *Ex parte* **Abbey National Building Society,** Divl.Ct. [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249.

Married Women's Property Act. See Husband and Wife (**Act of 1882, s. 17**).

Question of title to land

Lease—Assignment or guarantee—County Courts Act, 1934, ss. 40, 43, 51.
Lea v. Moore, C.A. [1955] 1 W.L.R. 38.

Sewer

Claim by local authority for cost of maintaining public sewer—Whether claim to be made in courts of summary jurisdiction—Whether general jurisdiction of courts ousted by special statutory provision for recovery of cost—Public Health Act, 1936, ss. 24 (1), (3), 293. **Great Yarmouth Corpn. v. Gibson,** C.A. [1956] 1 Q.B. 573; [1956] 2 W.L.R. 356.

Water rate

Jurisdiction transferred to Lands Tribunal—Water Act, 1945, s. 38 (3)—Local Government Act, 1948, s. 62 (1)—Lands Tribunal Act, 1949, s. 1.
Sowerby Bridge Urban District Council v. Stott, C.A. [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1.

New Trial. (*See also* **Practice.**)

Fresh evidence

Plaintiff represented by solicitor at trial before registrar—Witnesses available not called—Order by judge for new trial to admit such evidence—Whether proper exercise of discretion—County Court Rules, 1936, Ord. 37, r. 5 (1).
Devenish v. P.D.I. Homes (Hythe) Ltd., C.A. [1959] 1 W.L.R. 1188.

Judgment in defendant's absence

Defendant misled by court official as to necessity for attending hearing—New trial refused—Discretion wrongly exercised—Point of law—County Courts Act, 1934, s. 105—County Court Rules, 1936, Ord. 37, r. 2.
Grimshaw v. Dunbar, C.A. [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332.

Defendant mistaken as to date of hearing—New trial refused—Discretion wrongly exercised—County Court Rules, 1936, Ord. 37, r. 2.
Hayman v. Rowlands, C.A. [1957] 1 W.L.R. 317.

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New Trial (*Judgment in defendant's absence*)—*continued.*

Successive applications for new trial—Judgment given in absence of defendant—Judgment set aside on terms—Terms not complied with—Proceedings transferred and judgment summons issued in other county court—Application for new trial on ground of fraud—Jurisdiction of judge of court to which proceedings transferred to order new trial—Whether application under Order 37, r. 2, exhaustive of jurisdiction to order new trial—Whether jurisdiction under Order 37, r. 1, to order new trial—County Courts Act, 1934, s. 95—County Court Rules, 1936, Ord. 25, r. 48; Ord. 37, rr. 1, 2.
Reg v. Worthington-Evans. *Ex parte* **Madan,** Divl.Ct. [1959] 2 Q.B. 145; [1959] 2 W.L.R. 908.

Non-suit

Judicial discretion

Facts decided against plaintiff—Order of non-suit without consulting parties—Judicial discretion—County Court Rules, 1936, Ord. 23, r. 3.
Clack v. Arthur's Engineering Ltd., C.A. [1959] 2 Q.B. 211; [1959] 2 W.L.R. 916.

Payment into, by order of High Court

Payment out

Discretion of judge—Widow's damages under Fatal Accidents Acts—County Courts Act, 1934, s. 164 (3). **Cross v. Edney,** C.A. [1958] 1 Q.B. 288; [1958] 2 W.L.R. 92.

Pleadings

Landlord and tenant

Application for new tenancy—Required particulars not given—Leave to amend—County Court Rules, 1936 (as amended in 1951), Pt. 2, Ord. 40A, Form 342A—Leasehold Property (Temporary Provisions) Act, 1951, s. 10.
Osborne v. Snook, C.A. [1953] 1 W.L.R. 322.

Pleading disclosing no cause of action

Point not taken in county court—Appeal—Remission of case to same judge.
Whall v. Bulman, C.A. [1953] 2 Q.B. 198; [1953] 3 W.L.R. 116.

Point not pleaded

Settled land—Tenant for life—Grant of weekly tenancy—Whether letting was at the "best rent"—Settled Land Act, 1925, ss. 42 (5).
Davies v. Hall, C.A. [1954] 1 W.L.R. 855.

Registrar. *See* **Judge; New trial.**

Transfer of proceedings to other county court

Proceedings "more conveniently or fairly tried in another court"

Second action arising out of same facts as first action—Application to transfer—Discretion of judge—Judge's duty on trying second action—County Court Rules, 1936, Ord. 16, r. 1 (1). **Birch v. County Motor and Engineering Co. Ltd.,** C.A. [1958] 1 W.L.R. 980.

COURT. *See* TRIBUNAL.

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COURT OF APPEAL. (*See also* JUDICIAL PRECEDENT.)

Abatement of appeal

Death of party

Death of appellant after hearing and before judgment given.
Bonsor v. Musicians' Union, C.A. [1954] Ch. 479; [1954] 2 W.L.R. 607.

Appeal out of time. *See* **Time for appeal;** LEGAL AID.

Appellant appearing in person

Right to be heard

Income tax case. **Lewin v. Aller,** C.A. [1954] 1 W.L.R. 1063.

Prerogative writ—Appeal from refusal of certiorari—Right of appellants to appear in person. **Regina v. Staff Sub-Committee of London County Council's Education Committee.** *Ex parte* **Schonfeld (Practice Note),** C.A. [1956] 1 W.L.R. 430.

Appear, failure of party to

Failure of respondent to appear

Desirability of delaying drawing up of order.
Isaacs v. Titus, C.A. [1954] 1 W.L.R. 398.

Dismissal of appeal with costs

Jurisdiction in court to reinstate appeal—Whether appeal determined—Reinstatement refused as facts—Supreme Court of Judicature (Consolidation) Act, 1925, s. 27.
Brooksbank v. J. L. Rawsthorne & Co., C.A. [1951] W.N. 393; [1951] 2 All E.R. 413.

Argument not raised below

Discretion of appellate court to entertain

New Zealand. **Perkowski v. Wellington Corpn.,** J.C. [1959] A.C. 53; [1958] 3 W.L.R. 564.

COURT OF APPEAL—*continued.*

Argument not raised below—*continued.*

Notice of appeal

Amendment of notice. *In re* **McNeill, decd.,** C.A. [1958] Ch. 259; [1957] 3 W.L.R. 1007.

Question not pleaded

Refusal to entertain.
Tiger v. Barclays Bank Ltd., C.A. [1952] W.N. 38; [1952] 1 All E.R. 85.

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Automatism. *See* **Insanity.**

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Case stated

Form

Written decision by tribunal—R.S.C., Ord. 58*a*.
Practice Direction, C.A. [1956] 1 W.L.R. 1112.

Compromise

Settlement on terms before hearing

Payment in full of appellant's claim and costs by respondents—Application by appellant for order that appeal be dismissed—Order for stay of further proceedings on appeal substituted. **Lees v. Motor Insurers Bureau,** Lord Goddard C.J. [1952] W.N. 409; [1952] 2 T.L.R. 356; [1952] 2 All E.R. 511. C.A. [1953] 1 W.L.R. 620.

Costs. *See* **Jurisdiction; Costs.**

County court

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Adoption order. *See* **Jurisdiction.**

Costs below—Jurisdiction to interfere—Faulty analogy by county court judge in exercising discretion. **Le Witt v. Brookes,** C.A. [1956] 1 W.L.R. 1438.

——— ——————— Rent restriction.
Ottway v. Jones, C.A. [1955] 1 W.L.R. 706.

Damages—Assessment of—Personal injuries—Question of fact—No power in appellate court to intervene where amount considered extravagant.
Shave v. J. W. Lees (Brewers) Ld., C.A. [1954] 1 W.L.R. 1300.

——— Personal injuries—Power of appellate court to interfere.
Wilson v. Pilley, C.A. [1957] 1 W.L.R. 1138.

Judge's note—Duty to make. **Brown v. Holliday,** C.A. [1951] W.N. 67.

——— No finding on essential matter.
Dorrington v. Griff Fender (Swansea) Ld., C.A. [1953] 1 W.L.R. 690.

——— Note incomplete—Whether court can receive affidavit from solicitor concerned—R.S.C., Ord. 58, r. 18 (5). **Hayman v. Rowlands,** C.A. [1957] 1 W.L.R. 317.

——— Note of judgment below agreed by counsel—Not seen by judge—To what extent receivable—R.S.C., Ord. 58, r. 18 (5).
Bruen v. Bruce, C.A. [1959] 1 W.L.R. 684.

Jurisdiction—Consultative case from arbitrator under Agricultural Holdings Act—"Decision" of county court judge—"Direction"—Whether appeal lies from decision of county court judge—County Courts Act, 1934, s. 105—Agricultural Holdings Act, 1948, s. 77 (1), Sch. VI, para. 24.
Lloyds Bank Ld. v. Jones, C.A. [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5.

——— Fact, question of—Claim exceeding £200—Claim for damages originally exceeding £200 amended to reduce claim to less than £200—Prayer for damages "limited to £400"—Third party proceedings by defendants for indemnity—Whether claim as between defendants and third party an action for damages exceeding £200—Whether third party entitled to appeal on question of fact—County Court Rules, 1936, Ord. 12, r. 3 (2)—County Courts Act, 1959, s. 109.
William Mallinson & Sons (Mfg.) Ltd. v. Key Transport Co. Ltd., C.A. [1960] 1 W.L.R. 1301.

——— ——— ——— Form of plaint—County Courts Act, 1934, ss. 40, 41—County Courts Act, 1955, ss. 1, 12.
Leslie v. Liverpool Corpn., C.A. [1960] 1 W.L.R. 1.

Landlord and tenant—Rent restriction—Apportionment of standard rent—Decision of county court judge—Whether final and conclusive—Appeal—Jurisdiction—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (6)—Rent and Mortgage Interest Restriction Act, 1923, s. 11.
Beck v. Newbold, C.A. [1952] 2 Q.B. 752; [1952] 2 T.L.R. 332; [1952] 2 All E.R. 412.

Leave—Action to recover a sum not exceeding twenty pounds—Notice of appeal filed without leave of judge first obtained—Leave obtained after time expired—Preliminary objection—County Courts Act, 1934, s. 105.
Cumbes v. Robinson (No. 1), C.A. [1951] W.N. 145.

New point—Action to enforce promissory note—Plaintiffs' claim in county court based on allegation that they were holders in due course—Action dismissed—Basis of plaintiff's claim on appeal changed—New point of law not open to plaintiffs—Legal aid.
United Dominions Trust Ld. v. Bycroft, C.A. [1954] 1 W.L.R. 1345.

COURT OF APPEAL—*continued.*

County court (*Appeal from*)—*continued.*

New point—Point of law not taken in county court—Not to be taken in Court of Appeal.
Boyer v. Warbey, C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

Pleading disclosing no cause of action—Point not taken in county court—Appeal—Remission of case to same judge.
Whall v. Bulman, C.A. [1953] 2 Q.B. 198; [1953] 3 W.L.R. 116.

Question of degree and fact.
Bewlay (Tobacconists) Ltd. v. British Bata Shoe Co. Ltd., C.A. [1959] 1 W.L.R. 45.

Date of hearing

Practice

Statement and certificate to be lodged with notice of appeal.
Practice Note (Notice of Appeal), C.A. [1953] 1 W.L.R. 1503.

Death of party. *See* **Abatement.**

Discretion of judge, matter within

Application for jury

Whether court will interfere with judge's decision.
Pease v. George, C.A. [1960] 1 W.L.R. 427

Evidence

Fresh evidence. See EVIDENCE.

Transcript

Divorce—Undefended—Transcript of argument—Whether necessary.
Westgate v. Westgate, C.A. [1959] 1 W.L.R. 729.

Reading by members of court out of court—Alternative use of judge's note—Saving of costs—R.S.C., Ord. 66A, rr. 3, 4. **Stevens v. Stevens,** C.A. [1954] 1 W.L.R. 900.

Selection of necessary material—Costs.
Dixon v. City Veneering Mills Ld., C.A. [1953] 1 W.L.R. 1369.

Unstamped document

Admitted in evidence in court below—Duty of Court of Appeal.
Routledge v. McKay, C.A. [1954] 1 W.L.R. 615.

Ex parte application to

No proceedings

Jurisdiction. *Ex parte* **Associated Newspapers Ltd.,** C.A. [1959] 1 W.L.R. 993.

Fact, question of. (*See also* **County court**; PRIVY COUNCIL.)

Appeal from High Court

Findings of fact at first instance—Independent view on appeal—Principles applicable—Appeal to House of Lords.
Benmax v. Austin Motor Co. Ld., H.L.(E.) [1955] A.C. 370; [1955] 2 W.L.R. 418.
Morris v. West Hartlepool Steam Navigation Co. Ltd., H.L.(E.) [1952] A.C. 552; [1956] 1 W.L.R. 177.

Appeal from lower court

Fraud—Acquittal by Supreme Court of Kenya—To be displaced on appeal only on clearest grounds. **Akerhielm v. De Mare,** J.C. [1959] A.C. 789; [1959] 3 W.L.R. 108.

Conflicting traditional evidence

Demeanour of witnesses little guide to truth—Traditional history to be tested by recent facts established by evidence—Duty of appellate court—West Africa.
Adjeibi Kojo II v. Bonsie, J.C. [1957] 1 W.L.R. 1223.

Fresh evidence. *See* EVIDENCE.

Hearing in camera. *See* OPEN COURT.

Interlocutory or final list. (*See also* PRACTICE.)

Striking out pleading

Striking out pleading where no reasonable cause of action disclosed, or where action frivolous or vexatious—Further proceedings stayed—Whether order interlocutory or final—R.S.C., Ord. 25, r. 4. **Hunt v. Allied Bakeries Ltd.,** C.A. [1956] 1 W.L.R. 1326.

Winding-up order

Whether final or interlocutory—Whether appeals to be placed in interlocutory list—Supreme Court of Judicature (Consolidation) Act, 1925, s. 68 (2)—R.S.C., Ord. 58, r. 9.
In re **Reliance Properties Ltd.,** C.A. [1951] W.N. 351; [1951] 2 All E.R. 327.

Jurisdiction. (*See also* **County Court.**)

Adoption order

Mother's consent to adoption dispensed with—Subsequent objection—Jurisdiction of court to determine validity of order—County Courts Act, 1934, s. 105—Adoption Act, 1950, ss. 2 (4), 3 (1) (*a*)—Adoption of Children (County Court) Rules, 1952, r. 9—R.S.C., Ord. 58, r. 3. *In re* **B., an Infant,** C.A. [1958] 1 Q.B. 12; [1957] 3 W.L.R. 558.

Custody order

Interlocutory matter—Guardianship of Infants Acts, 1886 to 1925.
In re **Whittle (an Infant) (Practice Note),** C.A. [1953] 1 W.L.R. 1405.

COURT OF APPEAL—*continued.*

Jurisdiction—*continued.*

Costs

Landlord and tenant—Rent restriction—Landlord and Tenant (Temporary Provisions) Act, 1958 (6 & 7 Eliz. 2, c. 68), s. 4 (2).
Spyropoulos v. McClelland, C.A. [1959] 1 W.L.R. 862.

Payment into court—Exact sum awarded—Exercise of discretion—Reason for departure from "normal rule" that judge thought of awarding more—Leave to appeal refused—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*h*)—R.S.C., Ord. 22, r. 6. **Wagman v. Vare Motors Ltd.,** C.A. [1959] 1 W.L.R. 853.

Criminal cause or matter

Habeas corpus—Successive applications—Refusal of applications by Queen's Bench Divisional Court—Application renewed to Chancery Divisional Court—Based on same evidence and same grounds—Appeal to Court of Appeal—Habeas Corpus Act, 1679, s. 2—Habeas Corpus Act, 1816, ss. 3, 6—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 1, 31 (1), 63.
In re **Hastings (No. 3),** Divl.Ct. [1959] Ch. 368; [1959] 2 W.L.R. 454.
C.A. [1959] 1 W.L.R. 807.

Fugitive offender—Appeal against refusal to discharge—Jurisdiction as "superior court"—Whether appellate or original—Fugitive Offenders Act, 1881, ss. 10, 39—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31.
De Demko v. Home Secretary, H.L.(E.) [1959] A.C. 654; [1959] 2 W.L.R. 231.
C.A. [1958] 3 W.L.R. 624.

Discretion of judge, matter within. See **County court; Discretion.**

"*Judgment or order*"

Meaning—Whether right of appeal against findings not contained in formal order—Supreme Court of Judicature (Consolidation) Act, 1925, s. 27—R.S.C., Ord. 58, r. 1.
Lake v. Lake, C.A. [1955] P. 336; [1955] 3 W.L.R. 145.

New Act after hearing below

Whether applicable on appeal—Powers of highway authority—Declaration—Highways Act, 1959. **Ching Garage Ltd. v. Chingford Corpn., C.A.** [1960] 1 W.L.R. 947.

———————— Procedural or substantive point—Act against vexatious litigants—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 27 (1), 51 (1)—Supreme Court of Judicature (Amendment) Act, 1959, s. 1 (1).
In re **Vernazza,** C.A. [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135.
H.L.(E.) [1960] 1 W.L.R. 139 (pets. dis. and all.)
Sub nom. **Attorney-General v. Vernazza,** H.L.(E.) [1960] A.C. 965; [1960] 3 W.L.R. 466.

Transport tribunal. See **Transport tribunal.**

Jury's verdict, appeal from. *See* DAMAGES (**Personal injuries**).

Leave to appeal. (*See also* **County court.**)

Certiorari

Leave by Court of Appeal. **Reg. v. Minister of Housing & Local Government.** *Ex parte* **Hove Corporation,** C.A. [1952] W.N. 373; [1952] 2 T.L.R. 203.

Interlocutory matter

Order concerning custody and maintenance of infants—Amounts of maintenance varied by justices—Appeal to High Court dismissed—Necessity of obtaining leave to appeal to Court of Appeal—Whether appeal "concerning custody of infants"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1).
In re **W.—— (Infants),** C.A. [1956] Ch. 384; [1956] 2 W.L.R. 493.

New Act after hearing below. *See* **Jurisdiction.**

New trial. *See* **Retrial.**

Notice of appeal

Amendment

Consent, by—R.S.C., Ord. 58, r. 2. **Gelberg v. Vivian,** C.A. [1952] W.N. 486; [1952] 2 All E.R. 740n.

Form

Discretion of registrar—Rule of convenience—Supreme Court of Judicature (Consolidation) Act, 1925, s. 68 (2)—R.S.C., Ord. 58, r. 8.
Parish v. Birch Bros. (Dover) Ld. (Practice Note), C.A. [1955] 1 W.L.R. 351.

Specifying grounds of appeal—Ground of misdirection—Particulars necessary—Rules of the Supreme Court (Appeals), 1955, Ord. 58, r. 3 (2).
Taylor v. John Summers & Sons Ltd., C.A. [1957] 1 W.L.R. 1182.

———————— Rules of the Supreme Court (Appeals), 1955, Ord. 58.
Sansom v. Sansom, C.A. [1956] 1 W.L.R. 945.

Service out of time

Dispensation with application for extension of time—R.S.C., Ord. 64, r. 7.
Practice Direction, C.A. [1958] 1 W.L.R. 761.

Pleadings.

Amendment. See PRACTICE.

COURT OF APPEAL—*continued.*

Retrial. (*See also* HOUSE OF LORDS.)

Ground

Interventions by judge.

Jones v. National Coal Board, C.A. [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760.

R.S.C., Ord. 58, r. 5.

Automatic Woodturning Co. Ltd. v. Stringer, H.L.(E.) [1957] A.C. 544; [1957] 2 W.L.R. 203.

Time for appeal.

Appeal out of time. (*See also* LEGAL AID.)

Application for leave—Counsel's duty to inform court of subject-matter of application.

Practice Note, C.A. [1951] W.N. 49.

Whether power to abridge time

R.S.C., Ord. 58, *rr.* 4 (1) (*c*), 14.

In re **20 Exchange Street, Manchester,** Danckwerts J. [1956] 1 W.L.R. 765.

Transcript of proceedings below. *See* **Evidence.**

Transport Tribunal

Effect of repealing statute

Railway and Canal Commission (Abolition) Act, 1949, s. 8 (2).

British Transport Commission v. London County Council, C.A. [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665.

COURT OF CHIVALRY

Jurisdiction

Existence

Jurisdiction in matters relating to armorial bearings—Right to bear arms a dignity not cognizable by common law—Jurisdiction of court in complaints relating to usurpation of armorial bearings—Use of arms of city on common seal of company—Display of arms of city in theatre—Use of arms on common seal legitimate cause of complaint—Display of arms as decoration not ground for intervention—8 Ric. 2, c. 5—13 Ric. 2, st. 1, c. 2. **Manchester Corporation v. Manchester Palace of Varieties Ld.** High Court of Chivalry [1955] P. 133; [1955] 2 W.L.R. 440.

COURT OF CRIMINAL APPEAL

See CRIME.

COURTS-MARTIAL APPEAL COURT. *See* MILITARY LAW.

CREMATION. *See* CEMETERY.

CRIME. (*See also* JUSTICES.)

Abduction

Unmarried girl under eighteen

"Unlawful sexual intercourse"—Meaning—Sexual Offences Act, 1956, s. 19 (1).

Reg. v. Chapman, C.C.A. [1959] 1 Q.B. 100; [1958] 3 W.L.R. 401.

Abroad, crimes. *See* **Aircraft; Conspiracy; Homicide.**

Accessory after the fact

Accessory to accessory

Charge of assisting principal felon—Assistance to accessory to principal felon—Whether indirect assistance to principal.

Reg. v. McKenna, C.C.A. [1960] 1 Q.B. 411; [1960] 2 W.L.R. 306.

Homicide

Ritual murder—Headman—Requirements of Roman-Dutch law—"Association" with principal offence—Impassive conduct which assists principal offender to escape—Native Administration Proclamation (Laws of Basutoland, 1949, c. 54), ss. 6 (3), 14.

Majara v. The Queen, J.C. [1954] A.C. 235; [1954] 2 W.L.R. 771.

Accessory before the fact. *See* **Aiding and abetting.**

Affray

Terror of subject

No evidence that any person actually put in terror—Whether necessary where circumstances such as to frighten or intimidate reasonable people—Defence of self-defence—Whether material to charge of affray.

Reg. v. Sharp. Reg. v. Johnson, C.C.A. [1957] 1 Q.B. 107; [1957] 2 W.L.R. 472.

Aiding and abetting

Continuing offence

Taking and driving away motor-vehicle—Accessory to driving away only.

Reg. v. Stally, C.C.A. [1960] 1 W.L.R. 79.

Counselling or procuring

Alleged principals acquitted but another found guilty as accessory—Whether verdict inconsistent—Murder—Criminal Law (Offences) Ordinance (Laws of British Guiana, 1930, c. 18), ss. 24, 25—Accessories and Abettors Act, 1861, ss. 1, 2.

Surujpaul v. The Queen, J.C. [1958] 1 W.L.R. 1050.

CRIME—*continued.*

Aiding and abetting (*Counselling or procuring*)—*continued.*

Drinking after hours by customers at public-house—Waiters acting contrary to licensee's instructions—Licensee's lack of knowledge—Liability—Summary Jurisdiction Act, 1848, s. 5—Licensing Act, 1921, s. 4.
Ferguson v. Weaving, Divl.Ct. [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412.

Encouraging unlawful act

Illegal performance at concert—Presence of journalist to report it—Alien landing on condition that no employment paid or unpaid taken—Whether journalist aiding and abetting—Aliens Order, 1920, arts. 1 (4), 18 (2).
Willcox v. Jeffery, Divl.Ct. [1951] W.N. 77; 1 T.L.R. 706; [1951] 1 All E.R. 464.

Evidence

Offences by driver of motor-cycle—Sitting on pillion—No evidence of joint enterprise—Road Traffic Act, 1930, ss. 28 (1), 35 (1).
D. (An Infant) v. Parsons, Divl.Ct. [1960] 1 W.L.R. 797.

Knowledge of crime

How specific—Motor-car over which appellant had control used for purposes of housebreaking—Appellant's knowledge that motor-car was being used for criminal purpose—Whether necessary to direct jury as to knowledge of some particular crime in view.
Regina v. Bullock, C.C.A. [1955] 1 W.L.R. 1

——— Oxygen cutting equipment purchased by appellant for thieves—Appellant's knowledge that it was to be used for some criminal purpose—Whether necessary to direct jury as to knowledge of particular crime in view.
Reg. v. Bainbridge, C.C.A. [1960] 1 Q.B. 129; [1959] 3 W.L.R. 656.

Mens rea

Carriage of goods for hire—Failure to obtain necessary permit—Bona fide assurance by driver that permit granted—Contractor's duty to make inquiries—Road and Rail Traffic Act, 1933, s. 9 (1)—Transport Act, 1947, s. 52.
Davies, Turner & Co. Ld. v. Brodie, Divl.Ct. [1954] 1 W.L.R. 1364.

Coal Board official allowing overladen lorry to leave colliery—Lorry owner convicted of offence—Whether board guilty of aiding and abetting.
National Coal Board v. Gamble, Divl.Ct. [1959] 1 Q.B. 11; [1958] 3 W.L.R. 434.

Preparatory act. See **Official secrets.**

Unlawful sale

Whether buyer principal in second degree. **Sayce v. Coupe,** Divl.Ct. [1953] 1 Q.B. 1; [1952] 2 T.L.R. 664; [1952] 2 All E.R. 715.

Aircraft

Offence on

Dangerous drugs—Possession of drugs on British aircraft outside United Kingdom—Possession of drugs only an offence in England—Whether an offence on a British aircraft—Dangerous Drugs Regulations, 1953, reg. 3—Civil Aviation Act, 1949, s. 62.
Regina v. Martin, C.C.C. [1956] 2 Q.B. 272; [1956] 2 W.L.R. 975.

Appeal. (*See also* **Court of Criminal Appeal; Privy Council Jurisdiction.**)

East African Court of Appeal

Jurisdiction to order retrial—Same power as that of court appealed from—General jurisdiction—Rule of practice and procedure.
Ross v. The Queen, J.C. [1957] A.C. 208; [1957] 2 W.L.R. 307.

Fresh evidence

Statements by prosecution witnesses to police—Not available at trial—Material discrepancies when compared with oral evidence—Whether trial should have been ordered—Murder—British Guiana. **Baksh v. The Queen,** J.C. [1958] A.C. 167; [1958] 2 W.L.R. 536.

Grounds of appeal

"Against weight of evidence"—Inaccurate phrase.
Aladesuru v. The Queen, J.C. [1956] A.C. 49; [1955] 3 W.L.R. 515.

House of Lords, appeal to

Application to Attorney-General for certificate—Refusal—Renewed application—Mandamus—Criminal Appeal Act, 1907, s. 1 (6)—Criminal Justice Act, 1925, s. 16.
Ex parte **Blackburn,** C.A. [1956] 1 W.L.R. 1193.

Parties

Death of appellant—Application for leave to appeal by widow—Sentence of imprisonment—Widow no legal interest in quashing of conviction—Widow not entitled to proceed with appeal. **Regina v. Rowe,** C.C.A. [1955] 1 Q.B. 573; [1955] 2 W.L.R. 1056.

Assault

Aggravated assault

Conviction of common assault—Assault with intent to resist arrest—Unlawful arrest—Whether jury may convict of common assault—Offences against the Person Act, 1861, s. 38. **Regina v. Wilson,** C.C.A. [1955] 1 W.L.R. 493.

CRIME—*continued.*

Assault—*continued.*

Husband and wife

Implied consent to intercourse—When revoked—Divorce proceedings pending—No separation agreement.
Regina v. Miller, Lynskey J. [1954] 2 Q.B. 282; [1954] 2 W.L.R. 138.

Sterilisation

Legality. **Bravery v. Bravery,** C.A. [1954] 1 W.L.R. 1169.

Attempt. (*See also* ROAD TRAFFIC (**"Takes and drives away" without owner's consent.**)

Indecency

Attempt to procure act of gross indecency—Criminal intention—Overt acts—Surrounding circumstances—Court-martial. **Regina v. Miskell,** C.-M.A.C. [1954] 1 W.L.R. 438.

One male person only charged with attempting to commit act of gross indecency—Conviction of attempt—Regularity—Criminal Law Amendment Act, 1885, s. 11.
Rex v. Pearce, C.C.A. [1951] W.N. 129; [1951] 1 T.L.R. 412; [1951] 1 All E.R. 493.

Preparation. (*See also* **Vicarious liability.**)

Sale at excessive price—Preparation of illegal price tickets—Intention to attach to meat before delivery to customers—Act preparatory to commission of offence—Defence (General) Regulations, 1939, reg. 55AB—Meat (Prices) (Great Britain) Order, 1952, art. 3. **Hope v. Brown,** Divl.Ct. [1954] 1 W.L.R. 250.

Sentence. See **Common law misdemeanour.**

Automatism. *See* **Insanity.**

Autrefois convict. *See* NEMO BIS VEXARE DEBET.

Brothel

Meaning

Premises divided into two flats by substantial door on stairs let to two prostitutes—Common street door—Common use of kitchen—No intention of common user other than kitchen—Separate lettings of each flat—Each flat used for purposes of prostitution exclusively by the tenant thereof—Premises not a brothel if only used by one woman—Question of fact for the magistrate—Criminal Law Amendment Act, 1885, s. 13 (3).
Strath v. Foxon, Divl.Ct. [1956] 1 Q.B. 67; [1955] 3 W.L.R. 659.

Burden of proof. *See* BURDEN OF PROOF; **Summing up**; and also see under individual crimes.

Carnal knowledge

Defence

Reasonable belief that girl over 16—"First occasion on which he is charged"—Committal on separate occasions in relation to different girls—Trial on one indictment—Criminal Law Amendment Act, 1885, s. 5 (1)—Criminal Law Amendment Act, 1922, s. 2, proviso. **Regina v. Rider,** Streatfeild J. [1954] 1 W.L.R. 463.

Carrying firearm or offensive weapon

Child, cruelty etc. to. *See* CHILDREN AND YOUNG PERSONS.

Common law misdemeanour

Conspiracy. (*See* **Conspiracy.**)

Contra bonos mores, offences. See also CONTRA BONOS MORES.

Prostitute—Indecent act in parked motor-car—Vagrancy Act, 1824, s. 3.
Carnill v. Edwards, Divl.Ct. [1953] 1 W.L.R. 290.

Fraud. See **Fraud.**

Public mischief. See **Public Mischief.**

Sentence

Attempt—Appropriate sentence.
Rex v. Higgins, C.C.A. [1952] 1 K.B. 7; [1951] 2 T.L.R. 855; [1951] 2 All E.R. 758.

—— Substantive offence punishable with 12 months' imprisonment—Undesirability of longer sentence for attempt.
Reg. v. Pearce, C.C.A. [1953] 1 Q.B. 30; [1952] 2 T.L.R. 618; [1952] 2 All E.R. 718.

Conspiracy—Evasion of customs duty—Limitation of sentence—Customs Consolidation Act, 1876, s. 186—Finance Act, 1935, s. 15.
Rex v. Morris, C.C.A. [1951] 1 K.B. 394.

Conspiracy

Abroad, to commit acts

Conspiracy in England to defraud government department in Germany—Whether indictable offence in England. **Regina v. Owen,** C.C.C. [1956] 3 W.L.R. 252; C.C.A. [1957] 2 Q.B. 174; [1956] 3 W.L.R. 739.
Sub nom. **Board of Trade v. Owen,** H.L.(E.) [1957] 2 W.L.R. 351.

Accuse of crime, to

Proof of falsity of belief essential.
Conteh v. The Queen, J.C. [1956] A.C. 158; [1956] 2 W.L.R. 277.

Complicated charge of

"Rolled-up" charge—Undesirability. **Reg. v. Davey,** C.C.A. [1960] 1 W.L.R. 1287.

Undesirability—Whether one conspiracy—Substantive charge to be considered first.
Reg. v. Dawson, C.C.A. [1960] 1 W.L.R. 163.

CRIME—*continued.*

Conspiracy—*continued.*

Husband and wife

Shia Mohammedans—English rule of unity of spouses applicable in Tanganyika—Rule applicable where valid marriage potentially polygamous—Penal Code of Tanganyika (Laws of Tanganyika, 1947 Rev., c. 16), ss. 4, 110 (*a*).
Mawji v. The Queen, J.C. [1957] A.C. 126; [1957] 2 W.L.R. 277.

Innocence of alleged co-conspirator

Charge of criminal conspiracy against two persons—Both convicted—Appeal—Conviction of one quashed and her retrial ordered—Acquittal at retrial—Position of other person convicted of conspiracy—Murder.
Kannangara Aratchige Dharmasena v. The King, J.C. [1951] A.C. 1.

Public mischief. See **Public mischief.**

Sentence. See **Common law misdemeanour.**

Statutory offence

Statutory offences triable summarily—Sale by auction—Consideration for abstaining from bidding—Indictment for conspiracy to commit statutory offences—Particulars of conspiracy alleged in terms of statutory offences—Validity of indictment—Auctions (Bidding Agreements) Act, 1927, s. 1.
Rex v. Barnett, C.C.A. [1951] 2 K.B. 425; [1951] 1 T.L.R. 899; [1951] 1 All E.R. 917.

Contempt of court. *See* CONTEMPT.

Contra bonos mores, offence. *See* **Common law misdemeanour.**

Corruption

Bribe

Accepting bribe as inducement to show favour—No necessity to prove that favour in fact shown—Prevention of Corruption Act, 1906, s. 1 (1).
Reg. v. Carr, C.-M.A.C. [1957] 1 W.L.R. 165.

Public body

Intention—Relevance of motive—Meaning of " corruptly "—Public Bodies Corrupt Practices Act, 1889, s. 1.
Reg. v. Smith, C.C.A. [1960] 2 Q.B. 423; [1960] 2 W.L.R. 164.

Costs. (*See also* COSTS (**Justices**) ; PRIVY COUNCIL.)

Acquittal

Award out of local funds—Principle to be followed—Criminal Justice Act, 1948, s. 44.
Practice Note, C.C.A. [1952] W.N. 175; [1952] 1 T.L.R. 1131.

Discretion—Costs in Criminal Cases Act, 1952, s. 1.
Reg. v. Sansbury, Devlin J. (Somerset Assizes) [1959] 1 W.L.R. 1091.

——— Matters upon which exercise of discretion may be based—Costs in Criminal Cases Act, 1952, s. 1. **Practice Direction,** C.C.A. [1959] 1 W.L.R. 1090.

Order to pay

Enforcement—No power in court to prescribe method of enforcement—Costs in Criminal Cases Act, 1908, s. 6 (5). **Rex v. McClelland,** C.C.A. [1951] 1 All E.R. 557.

Court of Criminal Appeal. (*See also* **Appeal.**)

Abandonment of appeal to

Power to withdraw notice of abandonment—Criminal Appeal Rules, 1908, r. 23.
Reg. v. Moore, C.C.A. [1957] 1 W.L.R. 841.

Bail

Appeal dismissed—Fiat of Attorney-General applied for—Application for bail—Whether Court of Criminal Appeal has power to grant bail before fiat obtained—Whether an appeal " pending "—Criminal Appeal Act, 1907, ss. 14 (2), 21.
Reg. v. Welham, C.C.A. [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333.

Application for leave to appeal to

Different grounds—Fact and law—Whether appeal or application for leave to appeal lies—Criminal Appeal Act, 1907, s. 3. **Practice Note,** C.C.A. [1953] 1 W.L.R. 872.

Murder—Non-capital—Applications for leave not to be listed as final appeals—Application for leave to appeal against sentence not receivable—Criminal Appeal Act, 1907, s. 3 (*c*)—Homicide Act, 1957, s. 9.
Practice Direction (Non-Capital Murder), C.C.A. [1957] 1 W.L.R. 750.

No reasons to be given on refusal of applications—Capital cases—Applications to be listed as appeals. **Practice Note,** C.C.A. [1952] W.N. 449; [1952] 2 T.L.R. 620.

Bail, power to grant

Conviction by court of summary jurisdiction—Committal in custody to quarter sessions for sentence—Leave to appeal against conviction—Jurisdiction of High Court to admit to bail—Criminal Justice Act, 1948, ss. 29 (1), 37 (1) (*a*).
In re **Whitehouse,** Divl.Ct. [1951] 1 K.B. 673; [1951] 1 T.L.R. 405; [1951] 1 All E.R. 353.

CRIME—*continued.*

Court of Criminal Appeal—*continued.*

Certificate of trial judge

Appeal against conviction—Point of law—Desirability of certificate being granted by trial judge—Criminal Appeal Act, 1907, s. 3 (*a*). **Practice Note,** C.C.A. [1953] 1 W.L.R. 893.

Clerical error

Conviction set aside and venire de novo ordered—Order directing acquittal—Power of court to rectify order.
Rex v. Gatenby, C.C.A. [1951] 1 T.L.R. 269; [1951] 1 All E.R. 173.

Composition of court

Trial judge member of court hearing appeal—Whether desirable.
Rex v. Lovegrove, C.C.A. [1951] W.N. 202; [1951] 1 T.L.R. 673; [1951] 1 All E.R. 804.

Fresh evidence

Facts coming to light after conviction—Whether receivable by court—Criminal Appeal Act, 1907, s. 9. **Reg. v. Thomas,** C.C.A. [1959] 1 W.L.R. 1086.

Reference by Home Secretary—Whether normal rule of practice applicable—Criminal Appeal Act, 1907 (7 Edw. 7, *c.* 23), s. 19 (*a*)—Criminal Appeal Rules, 1908, *r.* 48.
Regina v. Sparkes, C.C.A. [1956] 1 W.L.R. 505.

Jurisdiction. (See also Sentence.)

Justices, as—Recognizances to keep peace—Justices of the Peace Act, 1361.
Reg. v. Sharp. Reg. v. Johnson, C.C.A. [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472.

Preliminary issue—Fitness to plead—Conviction—Whether right of appeal on preliminary issue—Criminal Appeal Act, 1907, s. 19 (*a*).
Reg. v. Podola, C.C.A. [1959] 3 W.L.R. 718.

Leave to appeal. See Application.

Peace, recognizances to keep. *See* JUSTICES.

Police report

Report made subsequent to trial submitted to Court of Criminal Appeal—Undesirability.
Reg. v. Williams. Reg. v. Bell (Practice Note), C.C.A. [1957] 1 W.L.R. 463.

Proviso to section 4 (1) *of Act*

Coercion of jury — Whether proviso applicable — Criminal Appeal Act, 1907, s. 4 (1), proviso. **Reg. v. McKenna,** C.C.A. [1960] 1 Q.B. 411; [1960] 2 W.L.R. 306.

Defective indictment—Incomplete particulars and arraignment—No embarrassment or prejudice to defence—No substantial miscarriage of justice—Whether proviso applicable —Criminal Appeal Act, 1907, s. 4 (1), proviso.
Reg. v. McVitie, C.C.A. [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99.

Failure to warn jury of need for corroboration—Accomplice—Co-defendant—Criminal Appeal Act, 1907, s. 4 (1), proviso.
Reg. v. Prater, C.C.A. [1960] 2 Q.B. 464; [1960] 2 W.L.R. 343.

No rule for application—Criminal Appeal Act, 1907, s. 4 (1) proviso.
Reg. v. Thomas, C.C.A. [1957] 1 W.L.R. 1091.

Summary conviction—Committed to quarter sessions for sentence—Powers of Court of Criminal Appeal to inquire into committal order—Criminal Justice Act, 1948, s. 29 (3).
Regina v. Warren, C.C.A. [1954] 1 W.L.R. 531.

Reference by the Home Secretary. (See also Fresh evidence.)

Consideration of court confined to ground of reference—Issue involved by necessary implication—Whether section 19 (*a*) can give jurisdiction where convicted person would have no right of appeal—Criminal Appeal Act, 1907, s. 19 (*a*).
Reg. v. Podola, C.C.A. [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718.

———————————— No consideration of general matters of appeal—Criminal Appeal Act, 1907, s. 19 (*a*).
Regina v. Caborn-Waterfield, C.C.A. [1956] 2 Q.B. 379; [1956] 3 W.L.R. 277.

Sentence, appeal against

Breach of probation order—Jurisdiction of court—Criminal Appeal Act, 1907, s. 4 (3).
Reg. v. Green, C.C.A. [1959] 2 Q.B. 127; [1958] 2 W.L.R. 569.

Jurisdiction of court—Failure to surrender to bail—Recognisance estreated with alternative of six months' imprisonment—Jurisdiction of Court of Criminal Appeal to hear appeal—Criminal Appeal Act, 1907, ss. 3, 21.
Reg. v. Harman, C.C.A. [1959] 2 Q.B. 134; [1959] 2 W.L.R. 906.

Practice—Appeals against sentence in cases sent to quarter sessions—Committal order to be sent to Court of Criminal Appeal for rectification if sentence altered.
Reg. v. Perfect, C.C.A. [1957] 2 Q.B. 107; [1957] 2 W.L.R. 904.

Submission of no case wrongly overruled

Prosecution for forgery—Two accused—No evidence at close of case for prosecution against one accused—Submission of no case wrongly overruled—Incriminating evidence given by other accused—Right of Court of Criminal Appeal to allow appeal—Other evidence not to be taken into consideration.
Regina v. Abbott, C.C.A. [1955] 2 Q.B. 497; [1955] 3 W.L.R. 369.

CRIME—*continued.*

Peace, recognizances to keep—*continued.*

Substitution of sentence

Conviction on two counts—Appeal against conviction on one count only—Conviction quashed—Increased sentence substituted for sentence on count on which appellant properly convicted—Application of Criminal Appeal Act, 1907, s. 5 (1).
Regina v. Lovelock, C.C.A. [1956] 1 W.L.R. 1217.

Effect—Sentence quashed and shorter sentence substituted therefor—Whether disabilities attaching to quashed sentence continue to attach to substituted sentence—Meaning of "quash"—Former sentence not void ab initio—Lost remission—Criminal Appeal Act, 1907, s. 4 (3)—Prison Act, 1952, s. 25 (1)—Prison Rules, 1949—Prison Rules, 1952, r. 3.
Hancock v. Prison Commissioners, Winn J. [1960] 1 Q.B. 117; [1959] 3 W.L.R. 583.

Substitution of verdict

Alternative counts—Acquittal on larceny count—Conviction for receiving—Court's power to substitute correct verdict—Criminal Appeal Act, 1907, s. 5 (2).
Regina v. Melvin; Regina v. Eden, C.C.A. [1953] 1 Q.B. 481; [1953] 2 W.L.R. 274.

——— Convictions on both—No rule that lesser charge should be preferred—Criminal Appeal Act, 1907, s. 5 (2). **Reg. v. Dawson,** C.C.A. [1960] 1 W.L.R. 163.

——— Indictment—Evidence consistent with either—Both counts to be included in indictment—Jury to be discharged from giving verdict on alternative count—Criminal Appeal Act, 1907, s. 5 (2).
Regina v. Seymour, C.C.A. [1954] 1 W.L.R. 678.

——— Larceny or receiving—Conviction on one and no verdict on other—Appeal—Substitution of verdict—Criminal Appeal Act, 1907, s. 5 (2).
Reg. v. Adair, C.C.A. [1958] 1 W.L.R. 786.

Court-martial. *See* MILITARY LAW.

Criminal trespass. *See* CEYLON.

Credit by fraud. *See* **Fraud.**

Crown Court. *See* CROWN COURT.

Drugs. *See* **Aircraft.**

Embezzlement

Cheque

Servant paying master's cheques to friend—Money received in exchange—Indictment charging larceny. **Reg. v. Davenport,** C.C.A. [1954] 1 W.L.R. 569.

Indictment

Count alleging embezzlement of money "on a day unknown" within a specified period—Whether allegation of general deficiency proper.
Regina v. Tomlin, C.C.A. [1954] 2 Q.B. 274; [1954] 2 W.L.R. 1140.

Escape from "lawful custody." (*See also* **Prison discipline**.)

Aiding

United States bases agreement—Arrest and confinement of United States sailor outside leased area—Release by Bermuda civilian—Whether sailor in "lawful custody"—Criminal Code (Bermuda), s. 111—United States Bases (Agreement) Act, 1952, s. 9 (1). **Hans v. The Queen,** J.C. [1955] A.C. 378; [1955] 2 W.L.R. 700.

Evidence. (*See also* EVIDENCE; **Practice.**)

Accomplice. (See also Confession.)

Corroboration—Failure of accused person to give evidence not corroboration.
Regina v. Jackson, C.C.A. [1953] 1 W.L.R. 591.

——— Warning, whether necessary—Evidence of co-accused.
Reg. v. Prater, C.C.A. [1960] 2 Q.B. 464; [1960] 2 W.L.R. 343.

Joint trial—Statement of one prisoner admitting guilt and incriminating other—Whether whole statement admissible.
Rex v. Gunewardene, C.C.A. [1951] 2 K.B. 600; [1951] 2 T.L.R. 315; [1951] 2 All E.R. 290.

Warning—Necessity for—Rule of law—"Accomplice"—Meaning—Receivers—Evidence of system—Issue of accomplice vel non—Whether determinable by judge or jury—Murder—Fight between groups of youths—Death from stab wound—Participant in fight acquitted of murder and convicted of common assault—Witness against participant charged with murder—Whether warning necessary in charge to jury.
Davies v. Director of Public Prosecutions, C.C.A. [1954] 1 W.L.R. 214; H.L.(E.) [1954] A.C. 378; 2 W.L.R. 343.

Admissibility, submission on

Whether to be made in opening or during trial—Proper procedure.
Rex v. Patel, C.C.A. [1951] W.N. 258; [1951] 1 T.L.R. 1018; [1951] 2 All E.R. 29.

Age

Plea of guilty—Defendant's age given as 17—Committal for sentence—Objection to proof of age—Whether committal proceedings valid—Whether evidence on oath necessary in court of summary jurisdiction—Criminal Justice Act, 1948, s. 20.
Rex v. Recorder of Grimsby. *Ex parte* **Purser,** Divl.Ct. [1951] W.N. 568; [1951] 2 All E.R. 889.

CRIME—*continued.*

Evidence—*continued.*

Aiding and abetting. See **Aiding and abetting.**

Character

Character of prosecutor—Prosecutor cross-examined as to alleged act of indecency—Admissibility of evidence of his general good reputation.
Rex v. Wood, Morris J. (Salop Winter Assizes) [1951] 2 All E.R. 112.

Imputation on character of witnesses for prosecution—Confession—Accused's allegation that statements obtained by police by threats—Cross-examination as to previous convictions—Defendant appearing in person—Need for warning by prosecution or judge—Judge's discretion—Failure to exercise discretion—Whether miscarriage of justice—Criminal Evidence Act, 1898, s. 1 (*f*) (ii).
Reg. v. Cook, C.C.A. [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616.

———————————— Confession—Accused's allegation that written statement manufactured by police—Not mere denial of statement—Cross-examination as to character of person charged—Criminal Evidence Act, 1898, s. 1 (*f*) (ii). **Regina v. Clark,** C.C.A. [1955] 2 Q.B. 469; [1955] 3 W.L.R. 313.

Loitering with intent—Evidence of known character to prove intent—Conditional discharge for previous offence—Whether deemed a conviction—Whether admissible as proof of character—Method of proof—Vagrancy Act, 1824, s. 4—Prevention of Crimes Act, 1871, s. 15—Firearms Act, 1937, s. 23 (2)—Criminal Justice Act, 1948, s. 12.
Rex v. Harris, C.C.A. [1951] 1 K.B. 107; [1950] 2 All E.R. 816.

Medical evidence to discredit prosecution witness—Whether confined to general reputation for truthfulness and honesty—Doctor's opinion as to whether witness suffered from mental disease—Reliability of witness' testimony—Whether doctor's evidence admissible.
Rex v. Gunewardene, C.C.A. [1951] 2 K.B. 600; [1951] 2 T.L.R. 315; [1951] 2 All E.R. 290.

Child, by

Indecent assaults on children—Corroboration—Whether children, assaulted or not, can give corroborative evidence of assaults on other children.
Regina v. Campbell, C.C.A. [1956] 2 Q.B. 432; [1956] 3 W.L.R. 219.

———————————— Schoolmaster accused of offences against three boys—Denial that incidents ever took place—Evidence of succession of incidents given by other boys—Whether relevant.
Reg. v. Chandor, C.C.A. [1959] 1 Q.B. 348; [1959] 2 W.L.R. 522.

Compulsory disclosure by accused

Affidavit sworn after attachment—Written affidavit sworn by accused in consequence of compulsory process—Disclosure of acts alleged to constitute fraudulent conversion—Motion to quash indictment properly made before plea—Larceny Act, 1916, s. 43 (2).
Regina v. Maywhort, Sellers J. [1955] 1 W.L.R. 848.

Confession

Co-defendant, by—Whether admissible.
Surujpaul v. The Queen, J.C. [1958] 1 W.L.R. 1050.

Cross-examination—Confession ruled admissible—Cross-examination of prosecution witness in presence of jury as to method of obtaining confession—Whether cross-examination admissible. **Rex v. Murray,** C.C.A. [1951] 1 K.B. 391; [1950] 2 All E.R. 925.

Inducement—Inadmissible confession by private soldier to sergeant-major—Subsequent confession after caution—Whether original inducement spent.
Reg. v. Smith, C.-M.A.C. [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623.

———————— Must relate to charge or accusation to render admission inadmissible.
Reg. v. Joyce, C.C.C. [1958] 1 W.L.R. 140.

Judges' Rules—Confession obtained while in custody and without caution—Admissibility—Direction to jury—Police officers' testimony—Credibility—Refusal to allow jury to examine police notebooks—Judges' Rules, r. 3.
Regina v. Bass, C.C.A. [1953] 1 Q.B. 680; [1953] 2 W.L.R. 825.

———————— Not applicable to charges against military personnel.
Regina v. Harris-Rivett, C.-M. A.C. [1956] 1 Q.B. 220; [1955] 3 W.L.R. 823.

———————— Verbal statements to police by Broadmoor patient—No caution given before questioning—Patient charged with murder—Admissibility of statements.
Reg. v. Straffen, C.C.A. [1952] 2 Q.B. 911; [1952] 2 T.L.R. 589; [1952] 2 All E.R. 657.

Consent to institution of proceedings

Hearing of charges under National Insurance Act, 1946—Case for prosecution closed—Objection by defence that since no consent or authorization proved no case to answer—Consent available for production—Whether prosecution entitled to prove consent after case closed—National Insurance Act, 1946, s. 53 (1).
Price v. Humphries, Divl.Ct. [1958] 2 Q.B. 353; [1958] 3 W.L.R. 304.

Corpus delicti. See **Homicide.**

Corroboration. See Accomplice; Child; BASTARDY.

Declaration. See Statutory declaration.

CRIME—*continued.*

Evidence—*continued.*

Demonstration in absence of accused. See Open Court.

Depositions

Effect of inadmissible evidence on committal order—Witness—Arrested with prisoner but later released—Competence—Indictable Offences Act, 1848, s. 17.
Regina v. Norfolk Quarter Sessions. *Ex parte* **Brunson,** Divl.Ct. [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294.

Incriminating evidence by prosecution witness on deposition before committing magistrates—Contradictory evidence at trial—Witness treated as hostile—Refusal to admit truth of deposition—Whether jury entitled to rely on original statement.
Regina v. Golder, C.C.A. [1960] 1 W.L.R. 1169.

Reading at trial—Substituted voluntary bill of indictment—Criminal Justice Act, 1925, s. 13 (3). **Reg. v. Smith,** C.C.C. [1958] 1 W.L.R. 312.

Evidence in rebuttal after close of defence. See **Practice.**

Fresh evidence. See **Appeal; Court of Criminal Appeal.**

Hearsay. (*See also Res gestae.*)

Admissible to show fact that statement was made—Charge of stealing—Defendant's lack of candour with police after commission of offence—Conversation between defendant and co-defendant before defendant's interviews with police—Evidence of conversation sought to be adduced by defendant—Whether admissible as evidence of defendant's state of mind at time of interviews, to explain his conduct.
Reg. v. Willis, C.C.A. [1960] 1 W.L.R. 55.

—————————— Duress—Statement by terrorist to accused. **Subramaniam v. Public Prosecutor,** J.C. [1956] 1 W.L.R. 965.

Homicide. See **Homicide.**

Identity. See Hearsay; System.

Illegally obtained

Test of admissibility—Relevance to matters in issue—Principle applicable in both civil and criminal cases—Rule as to admissibility of confessions not qualified—Search without warrant—Illegal possession of ammunition—Reference to Home Secretary—Emergency Regulations, 1952 (Kenya), regs. 84 (1) (*b*), 29.
Kuruma v. The Queen, J.C. [1955] A.C. 197; [1955] 2 W.L.R. 223.

Medical. See **Homicide** (*Diminished responsibility*); **Insanity.**

Medical reports. See **Practice.**

Obscenity. See **Obscene libel.**

Previous testimony of accused

Bankruptcy proceedings, in—Admissibility—Larceny Act, 1916, ss. 20, 43 (2), (3).
Reg. v. Dawson, C.C.A. [1960] 1 W.L.R. 163.

Receiving. See **Receiving.**

Res gestae. (*See also Hearsay.*)

Identification—Hearsay evidence.
Teper (Lezjor) v. The Queen, J.C. [1952] A.C. 480; [1952] 2 T.L.R. 162; [1952] 2 All E.R. 447

Statutory declaration

Goods stolen from railway station—Proof of dispatch—Statutory declaration made by packers—Form—Exact terms of statute to be complied with—Criminal Justice Act, 1948, s. 41 (3). **Reg. v. Marley,** C.C.A. [1958] 1 W.L.R. 750.

Submission on admissibility. See Admissibility.

System

Acquittal on previous charge—Cross-examination as to previous similar charge—Whether permissible—Criminal Evidence Act, 1898, s. 1, proviso (*f*) (i).
Reg. v. Cokar, C.C.A. [1960] 2 Q.B. 207; [1960] 2 W.L.R. 836.

Gross indecency alleged in respect of three men—Joinder of charges—Defence that acts performed in the course of medical treatment—Admissibility on one count of evidence on other counts—Indictments Act, 1915, s. 4.
Rex v. Hall, C.C.A. [1952] 1 K.B. 302; [1951] 2 T.L.R. 1264; [1952] 1 All E.R. 66.

Indecent assaults on children—Evidence of succession of incidents given by other boys—whether relevant. **Reg. v. Chandor,** C.C.A. [1959] 1 Q.B. 348; [1959] 2 W.L.R. 522.

Joinder of charges—Eight counts alleging similar offences of office-breaking—Acquittal on first seven counts—Defence of coincidence on eighth count—Application for separate trials—Admissibility on one count of evidence on other counts.
Rex v. Harris, C.C.A. [1952] 1 K.B. 309; [1952] 1 T.L.R. 350.
sub nom. **Harris v. D. P. P.,** H.L.(E.) [1952] A.C. 694; [1952] 1 T.L.R. 1075; [1952] 1 All E.R. 1044.

—————————— Whether evidence on one count admissible on other counts.
Rex v. Harris, C.C.A. [1952] 1 K.B. 309; [1952] 1 T.L.R. 350.
sub nom. **Harris v. D. P. P.,** H.L.(E.) [1952] A.C. 694; [1952] 1 T.L.R. 1075; [1952] 1 All E.R. 1044.

CRIME—*continued.*

Evidence—*continued.*

Murder—Plea of not guilty—Evidence of other murders committed by accused—Similarity of circumstances and methods—Evidence admissible to establish identity—Oral statement to police by Broadmoor patient—No caution given before statement—Admissibility—Judges' Rules. **Reg. v. Straffen,** C.C.A. [1952] 2 Q.B. 911; [1952] 2 T.L.R. 589; [1952] 2 All E.R. 657.

View. *See* **Practice.**

Wife, of

Buggery charge against husband—Competency of wife. **Reg. v. Blanchard,** Ormerod J. [1952] 1 All E.R. 114.

Husband charged with arson of wife's property—Competence of wife as witness—"Offence involving bodily injury to child"—Child in house set on fire—Married Women's Property Act, 1882, s. 12—Criminal Evidence Act, 1898, s. 4 (1)—Larceny Act, 1916, s. 36—Children and Young Persons Act, 1933, Sch. I. **Reg. v. Moore,** Pearson J. [1954] 1 W.L.R. 893.

Husband charged with sending letter threatening to murder her—Admissibility of wife's evidence—Offences against the Person Act, 1861, s. 16—Criminal Evidence Act, 1898, s. 4, schedule. **Rex v. Yeo,** Gorman J. (Manchester Assizes) [1951] 1 All E.R. 864.

Nullity—Voidable marriage—Criminal offences committed by husband during coverture—Nullity decree—Prosecution—Whether wife competent to give evidence against former husband. **Reg. v. Algar,** C.C.A. [1954] 1 Q.B. 279; [1953] 3 W.L.R. 1007.

Witness, binding over. *See* **Practice.**

Explosive substances

"Knowingly" possessing

Omission of word "knowingly"—Whether offence disclosed—Explosive Substances Act, 1883, s. 4 (1). **Reg. v. McVitie,** C.C.A. [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99.

Whether knowledge that substance is explosive necessary—Explosive Substances Act, 1883, s. 4 (1). **Reg. v. Hallam,** C.C.A. [1957] 1 Q.B. 569; [1957] 2 W.L.R. 521.

Factory. See FACTORY.

False pretences

Indictment

Allegation that defendant obtained cheques by false pretences—Cheques made payable to order of limited company—"Obtained"—Need for indictment to allege that cheques obtained for use of company—Larceny Act, 1916, s. 32 (1). **Rex v. Lurie,** C.C.A. [1951] W.N. 493; [1951] 2 T.L.R. 686; [1951] 2 All E.R. 704.

Intent to defraud. *See* **Fraud.**

Obtaining of valuable security

Cheque signed by husband—Wife induced to part with cheque by false pretence—Whether security obtained from wife—Larceny Act, 1916, s. 32, (1). **Rex v. Ball,** C.C.A. [1951] 2 K.B. 109.

Statement of intention about future conduct

Contract to destroy pest. **Regina v. Dent,** C.C.A. [1955] 2 Q.B. 590; [1955] 3 W.L.R. 297.

Firearm or offensive weapon, possession of. (*See also* FIREARM.)

Lawful authority

Lawful excuse a distinct issue—Capable of proof by supervening events—Government pamphlets relevant—Malay Emergency Regulations, 1951, reg. 4 (1) (*a*). **Wong Pooh Yin v. Public Prosecutor,** J.C. [1955] A.C. 93; [1954] 3 W.L.R. 471.

Lawful authority or reasonable excuse

Air rifle being used at shooting gallery fired at bystander—Prevention of Crime Act, 1953, s. 1 (1). **Regina v. Jura,** C.C.A. [1954] 1 Q.B. 503; [1954] 2 W.L.R. 516.

"Offensive weapon"

Boys breaking into cinema—Sheath knife used to frighten caretaker—Whether knife an offensive weapon—Prevention of Crime Act, 1953, s. 1 (4). **Woodward v. Koessler,** Divl.Ct. [1958] 1 W.L.R. 1255.

"Offers for sale"

"Flick knife" displayed in shop window with ticket bearing description and price—Whether an offence committed—Restriction of Offensive Weapons Act, 1959, s. 1 (1). **Fisher v. Bell,** Divl.Ct. [1961] 1 Q.B. 394; [1960] 3 W.L.R. 919.

Forgery

False document

Signature on certificate of competence to drive—Signature in driving examiner's journal—Impersonation at driving test to enable another person to obtain driving licence—Forgery Act, 1913, s. 1—Criminal Justice Act, 1925, s. 35 (1). **Reg. v. Potter,** Paull J. [1958] 1 W.L.R. 638.

Uttering

Meaning—Forged document enclosed in letter in London and sent to Germany—Whether document uttered in this country—Forgery Act, 1913, s. 6 (2). **Regina v. Owen,** C.C.A. [1957] 2 Q.B. 174; [1956] 3 W.L.R. 739.

CRIME—*continued.*

Fraud. (*See also* **Larceny**; FRAUD; GAMING.)

Accounts

Falsification—Intent to show false profit to avoid dismissal—Intent to induce a course of conduct on part of employers—Whether intent to defraud.
Regina v. Wines, C.C.A. [1954] 1 W.L.R. 64.

Agent, by

Criminal breach of trust as agent—No agency business—Substituted conviction and sentence—Penal Code of Ceylon, R.S. 1938, c. 15, ss. 389, 392.
Cooray v. The Queen, J.C. [1953] A.C. 407; [1953] 2 W.L.R. 965.

Credit by, obtaining

"Obtained credit"—Contracts to carry out electrical work—Payments received in advance—Failure to carry out work—No intention to do work at time payments received—Whether credit obtained—"Credit"—"Liability"—Debtors Act, 1869, s. 13 (1). **Regina v. Ingram,** C.C.A. [1956] 2 Q.B. 424; [1956] 3 W.L.R. 309.

Sale—Agreement for—Price paid—Goods not delivered.
Reg. v. Dawson, C.C.A. [1960] 1 W.L.R. 163.

Sale of motor-cycle before hire-purchase payments completed—Further hire-purchase transaction—Value of stolen motor-cycle "credited" against purchase of another—No debt created—Corrective training—Debtors Act, 1869, s. 13 (1).
Regina v. Mitchell, C.C.A. [1955] 1 W.L.R. 1125.

False pretences. See Intent; **False pretences.**

Fraud on public

Common law misdemeanour—False statement in tax returns—Intent to prejudice public revenue. **Rex v. Bradbury,** C.C.A. [1956] 2 Q.B. 262n.

——————— Fraud by individual on Crown or public—False profits accounts and false certificate of disclosure submitted by trader to inspector of taxes—Indictment charging trader with making false statements to prejudice of Crown and public with intent to defraud—Whether offence known to the law.
Regina v. Hudson, C.C.A. [1956] 2 Q.B. 252; [1956] 2 W.L.R. 914.

Fraudulent conversion

Cheques signed by master in blank—Servant paying master's cheques to his own creditors Indictment charging larceny of moneys—Whether correct offence charged.
Regina v. Davenport, C.C.A. [1954] 1 W.L.R. 569.

Director of private company charged as director of public company—Meaning of "public "company"—"Fraudulent transfer of property, to wit, an indebtedness"—No offence disclosed—Larceny Act, 1916, s. 20 (1) (ii).
Regina v. Davies, C.C.A. [1955] 1 Q.B. 71; [1954] 3 W.L.R. 664.

Intent to defraud. (*See also Accounts*; *Fraud on public.*)

False pretences—Impersonation at driving test in order to obtain certificate of competence to drive to enable another person to obtain driving licence—Larceny Act, 1916, s. 32 (1). **Reg. v. Potter,** Paull J. [1958] 1 W.L.R. 638.

Foreign government department, fraud on.
Reg. v. Owen, C.C.A. [1956] 3 W.L.R. 252.
C.A. [1957] 2 Q.B. 174; [1956] 3 W.L.R. 739.

Forgery—Uttering forged documents with intent to defraud—Whether economic loss necessary—Forgery Act, 1913, s. 4 (1).
Reg. v. Welham, C.C.A [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333.
Sub nom. **Welham v. Director of Public Prosecutions,** H.L.(E.) [1961] A.C. 103; [1960] 2 W.L.R. 669.

Investments

"Reckless making of . . . forecasts"—Whether "recklessness" in statutory context connotes dishonesty—Prevention of Fraud (Investments) Act, 1939, s. 12 (1).
Reg. v. Mackinnon, Salmon J. [1958] 3 W.L.R. 688.
Reg. v. Russell, Donovan J. [1952] W.N. 506; [1952] 2 All E.R. 842.
C.C.A. [1953] 1 W.L.R. 77.

Tax. See **Tax.**

Gaming. *See* GAMING.

Homicide

Abroad. See King's Peace.

Causation

Incorrect treatment before death—Whether break in chain of causation.
Reg. v. Smith, C.-M.A.C. [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623.

Diminished responsibility

Direction to jury—Attention of jury drawn to exact terms of section 2 (1) of the Homicide Act, 1957—Direction including matters of illustration and explanation of the section—Direction that if jury disagreed with judge's construction of the section they were to ignore it—Whether a misdirection—Homicide Act, 1957, s. 2.
Reg. v. Walden, C.C.A. [1959] 1 W.L.R. 1008.

CRIME—*continued.*

Homicide (*Diminished responsibility*)—*continued.*

Direction to jury—Attention of jury drawn to exact terms of section 2 (1) of the Homicide Act, 1957—Whether duty of judge to define diminished responsibility—Homicide Act, 1957, s. 2. **Reg. v. Spriggs,** C.C.A. [1958] 1 Q.B. 270; [1958] 2 W.L.R. 162.

Onus of proof—Balance of probabilities—Homicide Act, 1957, s. 2 (1) (2). **Reg. v. Dunbar,** C.C.A. [1958] 1 Q.B. 1; [1957] 3 W.L.R. 330.

Practice—Plea of guilty to manslaughter not to be accepted—Practice to be followed when defence ask for verdict of manslaughter on ground of diminished responsibility and some other ground. **Reg. v. Matheson,** C.C.A. [1958] 1 W.L.R. 474.

Right of prosecution to prove insanity—Onus of proof—Homicide Act, 1957, s. 2. **Reg. v. Bastian,** C.C.C. [1958] 1 W.L.R. 413.

Sexual pervert—"Abnormality of mind"—Standard of proof—Control of physical acts—Inability or difficulty—Relevance of medical evidence—Matters for jury's consideration—Homicide Act, 1957, s. 2 (1). **Reg. v. Byrne,** C.C.A. [1960] 2 Q.B. 396; [1960] 3 W.L.R. 440.

Standard of proof—Medical evidence as to state of mind—Unchallenged medical evidence that abnormality such as substantially to impair mental responsibility—No evidence to contrary—Verdict of murder—Whether in accordance with evidence—Homicide Act, 1957, s. 2. **Reg. v. Matheson,** C.C.A. [1958] 1 W.L.R. 474.

Evidence

Corpus delicti—Proof of corpus delicti by circumstantial evidence—Disappearance of alleged victim—No trace of body—No direct proof of death or of killing—No admission as to death of alleged victim by accused person—Whether corpus delicti sufficiently proved by circumstantial evidence—Whether evidence supported conviction of murder. **Regina v. Onufrejczyk,** C.C.A. [1955] 1 Q.B. 388; [1955] 2 W.L.R. 273.

Insanity. See **Insanity.**

Intention to kill or cause grievous bodily harm

Erroneous belief of accused that blows caused death—Whether mens rea in respect of their subsequent acts which in fact caused death—Preconceived plot to kill—One inseparable transaction. **Meli v. The Queen,** J.C. [1954] 1 W.L.R. 228.

Test of "reasonable man"—Man of sub-normal intelligence—Death of child—Child shaken in fit of temper—Only intention to make child be quiet. **Regina v. Ward,** C.C.A. [1956] 1 Q.B. 351; [1956] 2 W.L.R. 423.

Presumption of intention—Extent of application.—Homicide Act, 1957, ss. 1 (1), 5. **Reg. v. Smith,** C.C.A. [1960] 2 Q.B. 423; [1960] 3 W.L.R. 92.
Sub nom. **Director of Public Prosecutions v. Smith,** H.L.(E.) [1961] A.C. 290; [1960] 3 W.L.R. 546.

Killing in course of other offence

Intention to maim—Burglary—Malice aforethought—Application of new law—Construction—Homicide Act, 1957, s. 1 (1). **Reg. v. Vickers,** C.C.A. [1957] 2 Q.B. 664; [1957] 3 W.L.R. 326.

Theft—"In course . . . of theft"—Money stolen from shop—Murder on premises to escape detection—Whether "in the course . . . of theft"—Homicide Act, 1957, s. 5 (1) (*a*). **Reg. v. Jones,** C.C.A. [1959] 1 Q.B. 291; [1959] 2 W.L.R. 190.

"*King's peace*"

Court-martial—Jurisdiction—Alien killed abroad by British soldier—Offences against the Person Act, 1861, s. 9—Army Act, 1881 (as amended), s. 41. **Regina v. Page,** C.-M.A.C. [1954] 1 Q.B. 170; [1953] 3 W.L.R. 895.

Provocation

Defence of self-defence rejected by jury—Issue of provocation still open on defence evidence—Onus of proof—Direction on. **Bullard v. The Queen,** J.C. [1957] A.C. 635; [1957] 3 W.L.R. 656.

Drunkenness—Accused "the worse for drink"—Killing by repeated acts of violence after indecent assault on accused—Extent to which drunkenness may be taken into account in considering provocation. **Regina v. McCarthy,** C.C.A. [1954] 2 Q.B. 105; [1954] 2 W.L.R. 1044.

Whether retaliatory act reasonably commensurate. **Att.-Gen. of Ceylon v. Perera,** J.C. [1953] A.C. 200; [1953] 2 W.L.R. 238.

Woman jeering at accused's impotence—Whether disability to be taken into account. **Bedder v. Director of Public Prosecutions,** H.L.(E.) [1954] 1 W.L.R. 1119.

Self defence. (*See also* **Self defence.**)

Onus of proof on prosecution throughout—Issue of provocation expressly withdrawn from jury—Fit case for jury on provocation—Verdict of manslaughter substituted for murder. **Chan Kau v. The Queen,** J.C. [1955] A.C. 206; [1955] 2 W.L.R. 192.

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CRIME—*continued.*

Indecent assault

Invitation

Assault accompanied by circumstances of indecency—Boy requested by defendant to perform indecent act—Refusal—Defendant pulled boy towards him—Whether indecent assault—Offences against the Person Act, 1861, s. 62.
Beal v. Kelley, Divl.Ct. [1951] W.N. 505; [1951] 2 T.L.R. 865; [1951] 2 All E.R. 763.

Daughter requested by father to perform indecent act—No compulsion—Offences against the Person Act, 1861, s. 52.
Director of Public Prosecutions v. Rogers, Divl.Ct. [1953] 1 W.L.R. 1017.

Small girl requested to perform indecent act—Whether an assault.
Fairclough v. Whipp, Divl.Ct. [1951] W.N. 528; [1951] 2 T.L.R. 909; [1959] 2 All E.R. 834.

Whether boy's compliance with invitation to touch adult indecently indecent assault by adult. **Rex v. Burrows,** C.C.A. [1952] W.N. 21; [1952] 1 T.L.R. 51; [1952] 1 All E.R. 58n.

Indictment. (*See also* **Practice.**)

Conspiracy. See **Conspiracy.**

Duplicity

Two separate offences charged in one count—Larceny Act, 1916, ss. 26 (1), 27 (2.
Reg. v. Nicholls, C.C.A. [1960] 1 W.L.R. 658.

Embezzlement. See **Embezzlement.**

False pretences. See **False pretences.**

Joinder of charges

See **Evidence** (*System*).

Need for few counts. (*See also* **Conspiracy.**)

Inclusion of charges rejected at preliminary inquiry—Undesirability—Conspiracy count joined with substantive counts—Undesirability.
Reg. v. Dawson, C.C.A. [1960] 1 W.L.R 163.

Lord Goddard's view. **Practice Note,** C.C.A. [1952] W.N. 284; [1952] 1 T.L.R. 1390.

Particulars

Accurate statement of offence—Defective particulars—Whether indictment bad—Explosive Substances Act, 1883, s. 4 (1)—Indictments Act, 1915, s. 3, Sch. 1, r. 4 (3), (4).
Reg. v. McVitie, C.C.A. [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99.

Plea before arraignment

Allegation that evidence on deposition insufficient to support a conviction—Whether power to quash indictment—Quarter sessions—Mandamus—Certiorari.
Regina v. County of London Quarter Sessions. *Ex parte* **Downes,** Divl.Ct. [1954] 1 Q.B. 1; [1953] 3 W.L.R. 586.

Separate counts

Indictment put as a whole—Pleas of Guilty—Practice to be followed when indictment contains separate or alternative counts. **Regina v. Boyle,** C.C.A. [1954] 2 Q.B. 292; [1954] 3 W.L.R. 364.

Separate indictments

One charging manslaughter, the other stealing or receiving—Common evidence—Joinder of charges in one indictment—Purpose of joinder—Voluntary bill.
Reg. v. Smith, C.C.C. [1958] 1 W.L.R. 312.

Two indictments for same offence

Two informations in existence against same person for same offence on same facts—Whether inherently bad at common law.
Poole v. The Queen, J.C. [1961] A.C. 223; [1960] 3 W.L.R. 770.

Insanity

Automatism

Burglary—Defence of involuntary breaking and entering—Cross-examination of defendant about previous convictions—Irregularity.
Rex v. Harrison-Owen, C.C.A. [1951] W.N. 483; [1951] 2 All E.R. 726.

Dangerous driving—Defence that accident occurred in state of automatism—Defence of insanity not raised—Burden of proof. **Hill v. Baxter,** Divl.Ct. [1958] 1 Q.B. 277; [1958] 2 W.L.R.76.

Wounding with intent—Defence that wounds inflicted while accused in state of automatism—Defence of insanity not raised—Onus on the prosecution to prove conscious acts. **Regina v. Charlson,** Barry J. [1955] 1 W.L.R. 317.

Diminished responsibility

Right of prosecution to prove insanity on plea of diminished responsibility.
Reg. v. Bastian, C.C.C. [1958] 1 W.L.R. 413.

Fitness to plead. See **Plea.**

M'Naughten Rules

Disease of the mind—Arteriosclerosis—Physical disease causing temporary lapse of consciousness—Whether a defect of reason—Trial of Lunatics Act, 1883, s. 2 (1).
Regina v. Kemp, Devlin J. [1957] 1 Q.B. 399; [1956] 3 W.L.R. 724.

How to spell "M'Naughten."
Pigney v. Pointer's Transport Services Ltd., Pilcher J. [1957] 1 W.L.R. 1121.

CRIME—*continued.*

Insanity (*M'Naughten Rules*)—*continued.*

Irresistible impulse—Whether a sympton from which insanity can be inferred—Homicide. **Attorney-General for South Australia v. Brown,** J.C. [1960] A.C. 432; [1960] 2 W.L.R. 588.

Knowledge of accused that act committed was "wrong"—Meaning of "wrong"—M'Naughten rules not confined to cases of delusion—No evidence of insanity—Right of judge to withdraw issue from jury. **Reg. v. Windle,** C.C.A. [1952] 2 Q.B. 826; [1952] 2 All E.R. 1.

Medical witness

Appropriate questions. **Regina v. Holmes,** C.C.A. [1953] 1 W.L.R. 686.

Jury. *See* **Practice.**

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Larceny

Alternative counts (*larceny or receiving*). (*See also* **Court of Criminal Appeal** (*Substitution of verdict*).)

Case appearing to be one of larceny only—Desirability of withdrawing receiving count from jury. **Rex v. Christ,** C.C.A. [1951] W.N. 337; [1951] 2 T.L.R. 85; [1951] 2 All E.R. 254.

Bailee, by

Attempted sale of bailed goods—Whether larceny or attempt—Larceny Act, 1916, s. 1 (1). **Rogers v. Arnott,** Divl.Ct. [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73.

By finding—Receiving goods taken by child under 8—Possible charges. **Walters v. Lunt,** Divl.Ct. [1951] W.N. 472; [1951] 2 All E.R. 645.

Bailment. (*See also Larceny by bailee.*)

Bailment of clock as security for debt of owner—Fraudulent re-taking by owner—Larceny Act, 1916, s. 1 (2) (iii). **Rose v. Matt,** Divl.Ct. [1951] 1 K.B. 810; [1951] 1 T.L.R. 474; [1951] 1 All E.R. 361.

Building, in

"Being found by night in a building"—Meaning of "found in"—Larceny Act, 1916, s. 28 (4). **Rex v. Lumsden,** C.C.A. [1951] 2 K.B. 513; [1951] 1 T.L.R. 987; [1951] 1 All E.R. 1101.

Finding, by. See Bailee.

Fixture. (*See also* CHATTEL.)

Army hut—Erected for temporary purpose—Bolted to concrete foundation—Whether "attached to or forming part" of the realty—Larceny Act, 1916, s. 1 (3). **Billing v. Pill,** Divl.Ct. [1954] 1 Q.B. 70; [1953] 3 W.L.R. 758.

"*Fraudulently and without a claim of right*"

Meaning—Theft of coins—Larceny Act, 1916, s. 1 (1). **Regina v. Williams,** C.C.A. [1953] 1 Q.B. 660; [1953] 2 W.L.R. 937.

Housebreaking

Constructive—Admission to house obtained by trick for purpose of committing theft. **Regina v. Boyle,** C.C.A. [1954] 2 Q.B. 292; [1954] 3 W.L.R. 364.

Housebreaking and receiving

Evidence of recent possession of stolen property—Direction to jury that evidence insufficient to support charge of housebreaking—Whether proper direction. **Rex v. Loughlin (Practice Note),** C.C.A. [1951] W.N. 325.

Servant, larceny by

Cheques signed by master in blank—Servant paying master's cheques to his own creditors—Indictment charging larceny of moneys—Whether correct offence charged. Banking—Current account—Relationship between banker and customer. **Regina v. Davenport,** C.C.A. [1954] 1 W.L.R. 569.

Four charges—Plea of guilty and request for consideration of ninety-six other cases—Committal to quarter sessions—Validity—"Antecedents"—Criminal Justice Act, 1948, s. 29 (1). **Rex v. Vallett,** C.C.A. [1951] W.N. 4; [1951] 1 All E.R. 231.

Simple larceny

Common law offence—Reference in charge to section 2 of Larceny Act, 1916, surplusage. **Regina v. Bryant,** C.-M.A.C. [1955] 1 W.L.R. 715.
Regina v. Bryant (No. 2). (Practice Note), C.-M.A.C. [1956] 1 W.L.R. 133.

"*Takes*"

Under mistake—Excess goods loaded on to lorry—Excess only discovered on delivery—Misappropriation—Larceny Act, 1916, s. 1 (1) (2) (i). **Russell v. Smith,** Divl.Ct. [1958] 1 Q.B. 27; [1957] 3 W.L.R. 515.

——————— Money paid in mistake of fact—Overpayment in wages packet—Employee intended by wages clerk to receive whole contents of packet—At time of taking packet no knowledge by employee that contents more than due—Subsequent discovery by employee of overpayment—Intent to appropriate overpayment—Larceny Act, 1916, s. 1 (2) (i). **Moynes v. Coopper,** Divl.Ct. [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562.

Maintenance. *See* MAINTENANCE OF SUIT.

CRIME—*continued.*

Mens rea. (*See also* **Insanity**; **Vicarious liability**; ROAD TRAFFIC (**Public service vehicle**).)

"Maliciously"

Causing coal gas to be taken so as to endanger life—Whether "wickedness" equivalent to "malice" in statutory crime—Whether "maliciously" postulates foresight of consequence—Offences against the Person Act, 1861, s. 23.
Reg. v. Cunningham, C.C.A. [1957] 2 Q.B. 396; [1957] 3 W.L.R. 76.

Statutory prohibition

Hire-purchase—Finance company unaware that requirements not complied with—Whether guilty of an offence—Hire-Purchase and Credit Sale Agreements (Control) Order, 1956, art. 1. **Reg. v. St. Margarets Trust Ltd.,** C.C.A. [1958] 1 W.L.R. 522.

Mental deficiency

Carnal knowledge of mentally defective girl

Defence—Whether woman lawfully detained in institution—Whether prosecution must prove lawful detention at time of offence—Mental Deficiency Act, 1913 (3 & 4 Geo. 5, c. 28), ss. 1, 9, 56 (1) (*a*).
Director of Public Prosecutions v. Head, C.C.A. [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862.
H.L.(E.) [1959] A.C. 83; [1958] 2 W.L.R. 617.

Procuration of mental defective girl

Carnal knowledge with girl while under statutory supervision—Mental Deficiency Act, 1913, s. 56 (1) (*a*) (*b*). **Regina v. Cook,** Stable J. [1954] 1 W.L.R. 125.

Murder. *See* **Homicide.**

Nemo bis vexare debet. *See* NEMO BIS VEXARE DEBET.

Oath. *See* **Perjury**; EVIDENCE.

Obscene libel

Act of 1857

Books obscene only in part—Whether whole of books must be destroyed—Obscene Publications Act, 1857, s. 1. **Paget Publications v. Watson,** Divl.Ct. [1952] W.N. 248; [1952] 1 T.L.R. 1189; [1952] 1 All E.R. 1256.

Contemporary novel

Test of obscenity—Tending to corrupt and deprave by present-day standards.
Reg. v. Martin Secker & Warburg Ltd., C.C.C. [1954] 1 W.L.R. 1138.

Order for destruction—Sale of obscene photographs—Negatives not offered for sale—Whether negatives "otherwise published"—Obscene Publications Act, 1857, s. 1.
Cox v. Stinton, Divl.Ct. [1951] 2 K.B. 1021; [1951] 2 T.L.R. 728; [1951] 2 All E.R. 637.

Evidence

Publication of obscene libels—Character to be ascertained from examination of books themselves—Evidence of comparison with other books in circulation not relevant.
Reg. v. Reiter, C.C.A. [1954] 2 Q.B. 16; [1954] 2 W.L.R. 638.

Seizure

Onus of proof—Publications seized from respondents' premises—Respondents summoned to show cause why the publications should not be destroyed—Magistrates' functions—Obscene Publications Act, 1857, s. 1.
Thomson v. Chain Libraries Ld., Divl.Ct. [1954] 1 W.L.R. 999.

Obstruction. *See* **Police.**

Offensive weapon. *See* **Firearm.**

Official secrets

Aiding and abetting

Act preparatory to commission of offence—Construction of statute—Avoiding unintelligible result—Jurisdiction of court to amend Act by reading "or" for "and"—Meaning of "or" and "and"—Official Secrets Act, 1920, s. 7.
Reg. v. Oakes, C.C.A. [1959] 2 Q.B. 350; [1959] 2 W.L.R. 694.

Onus of proof. *See* BURDEN OF PROOF; **Summing up**; and also under individual crimes.

Penalty imposed by statute

Motor vehicle

Use for purpose requiring higher duty—Not a criminal offence—Vehicles (Excise) Act, 1949, s. 13 (2).
Brown v. Allweather Mechanical Grouting Co. Ltd., Divl.Ct. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402.

Whether limiting penalty for graver offence

Wilful neglect of duty—Fine—Accessory after fact.
Majara v. The Queen, J.C. [1954] A.C. 235; [1954] 2 W.L.R. 771.

Perjury. (*See also* FRAUD (**Fraud to court**); PERJURY.)

Oath

Sikh—Oath impracticable—Affirmation—Whether lawfully sworn—Oaths Act, 1888, s. 1—Perjury Act, 1911, ss. 1 (1), 15.
Reg. v. Pritam Singh, Mr. Commr. Wrangham [1958] 1 W.L.R. 143.

Summary power of court. *See* CEYLON.

CRIME—*continued.*

Plea. (*See also* JUSTICES.)

Autrefois acquit or convict. *See* NEMO BIS VEXARE DEBET.

Fitness to plead

Accused found mute by visitation of God—Whether fit to plead—Whether issue of fitness can be tried by jury with general issue.
Regina v. Roberts, Devlin J. [1954] 2 Q.B. 329; [1953] 3 W.L.R. 178.

Burden of proof—Accused mute on arraignment—Whether onus of proof on prosecution to show mute of malice—Standard of proof—Accused found mute by visitation of God—Whether fit to plead.
Reg. v. Sharp, Salmon J. (Birmingham Assizes) [1960] 1 Q.B. 357n.; [1959] 3 W.L.R. 735n.

——— Principles applicable—Hysterical amnesia causing loss of memory for events during period material to commission of crime—Mind otherwise normal—Whether able to make a "proper" defence—Whether "insane"—Criminal Lunatics Act, 1800, s. 2. **Reg. v. Podola,** C.C.A. [1960] 1 Q.B. 325; [1959] 3 W.L.R. 716.

Disagreement by jury—Whether new jury to be sworn.
Regina v. Darkhu. (Practice Note), Finnemore J. [1956] 1 W.L.R. 989.

Whether defence can require general issue to be tried before issue of fitness to plead.
Reg. v. Beynon, Byrne J. [1957] 2 Q.B. 111; [1957] 2 W.L.R. 956.
Reg. v. Roberts, Devlin J. [1954] 2 Q.B. 329; [1953] 3 W.L.R. 178.

Guilty

Application to withdraw plea before sentence—Matter within discretion of trial judge.
Regina v. McNally, C.C.A. [1954] 1 W.L.R. 933.

Police, obstruction of

Licensed premises

Attempted entry by police—Warning given to licensee by third party—Police detained from entering—Whether obstruction of police in execution of duty—Prevention of Crimes Amendment Act, 1885, s. 2—Licensing Act, 1953, s. 151 (1).
Hinchliffe v. Sheldon, Divl.Ct. [1955] 1 W.L.R. 1207.

Practice

Assessor

Interested in or connected with subject-matter of proceedings or parties—Right of objection—Sierra Leone.
Conteh v. The Queen, J.C. [1956] A.C. 158; [1956] 2 W.L.R. 277.

Case Stated. *See* JUSTICES.

Counsel

Reference to consequences of verdict by—Judge to direct jury of irrelevance.
Attorney-General for South Australia v. Brown, J.C. [1960] A.C. 432; [1960] 2 W.L.R. 588.

Election for trial on indictment

Substitution of different offence—Conviction quashed—Summary Jurisdiction Act, 1879, s. 17—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2).
Regina v. Phillips, C.C.A. [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868.

Summary offence punishable with more than three months' imprisonment—Committal to quarter sessions—Doubt whether election by accused to go for trial—Whether power to quash committal—Summary Jurisdiction Act, 1879, s. 17.
Regina v. Simons and Simons, C.C.A. [1953] 1 W.L.R. 1014.

Evidence after summing up

Retirement of jury—Witness recalled—Discretion of judge to allow evidence in rebuttal after close of defence—Further evidence after summing-up not permissible.
Reg. v. Owen, C.C.A. [1952] 2 Q.B. 362; [1952] 1 T.L.R. 1220; [1952] 1 All E.R. 1040.

Witness for defence called after summing up.
Reg. v. Sanderson, C.C.A. [1953] 1 W.L.R. 392.

Impropriety

Quarter sessions—Plea of Not Guilty—Improper remarks by chairman in presence of jury—Direction to jury to acquit given before evidence called—Acquittal—Whether mistrial.
Reg. v. Middlesex Quarter Sessions. *Ex parte* **Director of Public Prosecutions,** Divl.Ct. [1952] 2 Q.B. 758; [1952] 2 All E.R. 312.

Indictment. (*See also* INDICTMENT).

Amendment—Charges of obtaining money by false pretences—Cheques obtained—Jurisdiction to order amendment—Indictments Act, 1915, s. 5 (1).
Rex v. Pople, C.C.A. [1951] 1 K.B. 53.

Drafting and inspection. **Practice Note (Indictments),** C.C.A. [1956] 1 W.L.R. 1499.

Transfer of—Quarter sessions—Indictment—Transfer to another court—Indorsement—**Assizes** and Quarter Sessions (Convenient Court) Order, 1926.
Practice Note (Indorsement on Indictment), C.C.A. [1953] 1 W.L.R. 491.

Information. *See* FOOD AND DRUGS (**Practice**).

CRIME—*continued.*

Practice—*continued.*

Jury. (*See also* JURY.)

Coercion of. *See* **Venire de novo.**

Dispersal—Several defendants—Separate summing-up and verdict against each—Jury allowed to disperse after each verdict—Propriety.
Regina v. Newland, C.C.A. [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826.

Need for verdict—Plea of not guilty—Plea of guilty substituted after accused man put in charge of jury—Jury not asked to return a verdict—Trial a nullity.
Rex v. Heyes, C.C.A. [1951] 1 K.B. 29; [1950] 2 All E.R. 587.

New form of oath. **Practice Note,** C.C.A. [1957] 1 W.L.R. 355.

Peremptory challenge—Issue whether prisoner previously sentenced—Preventive detention.
Reg. v. Batchelor, C.C.A. [1952] W.N. 244.

Unanimity—Need for—Judge's direction. **Reg. v. Davey,** C.C.A [1960] 1 W.L.R. 1287.

Medical reports

To be strictly proved. **Hill v. Baxter,** Divl.Ct. [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76.

Mistrial. See Impropriety; **Venire de novo.**

Nolle prosequi

Accused discharged—Trial for same offence on new information without fresh inquiry and committal—Validity—Criminal Procedure Code (Laws of Kenya, 1948, c. 27), s. 82.
Poole v. The Queen, J.C. [1961] A.C. 223; [1960] 3 W.L.R. 770.

Notice of previous convictions. See **Sentence** (*Corrective training*).

Oath. See EVIDENCE; **Perjury.**

Plea. See **Plea**; NEMO DEBET BIS VEXARE.

Postponement of trial

No trial in first or second term after commitment—Right of prisoner to be discharged—Whether still effective—Habeas Corpus Act, 1679, s. 6—Assizes Relief Act, 1889, s. 3.
Reg. v. Campbell, Laski J. [1959] 1 W.L.R. 646.

Previous convictions

Erroneously attached to back page of abstract of indictment handed to jury—Foreman's assurance that page not seen by jury—Possibility of jury suspecting previous convictions.
Reg. v. Thomas, C.C.A. [1957] 1 W.L.R. 1091.

Previous history of convicted person. See **Sentence.**

Report on prisoner

Age—Date of birth to be stated in police and prison reports.
Regina v. Rossi (Practice Note), C.C.A. [1955] 1 W.L.R. 109.

Prison Commissioners' report—Record of copy having been handed to prisoner—Proper time for handing of copy—Criminal Justice Act, 1948, ss. 20 (8), 21 (5).
Practice Note, C.C.A. [1959] 1 W.L.R. 849.

Retrial

Accused not entitled as of right to access to judge's notes of previous trial—Murder—Alternative theories of how crime was committed—Inferences from evidence—Not a change of front by prosecution.
Ramlochan v. The Queen, J.C. [1956] A.C. 475; [1956] 3 W.L.R. 117.

Sentence. See **Sentence.**

Separate trials

Gross indecency alleged in respect of three men—Joinder of charges—Defence that acts performed in course of medical treatment—Application for separate trials—Indictments Act, 1915, s. 4. **Rex v. Hall,** C.C.A. [1952] 1 K.B. 302; [1951] 2 T.L.R. 1264; [1952] 1 All E.R. 66.

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Transcript. (*See* **Court of Criminal Appeal.**)

Trial, court of. (*See also Venue.*)

Grave offence—Demanding money with menaces with intent to steal—To be tried at assizes in absence of compelling reason.
Reg. v. Hacker (Practice Note), C.C.A. [1957] 1 W.L.R. 455.

Venire de novo. See **Venire de novo.**

Venue. (*See also Trial, court of.*)

Committal by justices to foreign court to avoid delay—Whether necessary to commit to assizes on same circuit—Duty to avoid unnecessary expense.
Regina v. Streams. (Practice Note), C.C.A. [1956] 1 W.L.R. 1344.

Receiving—Offences not committed in county where tried—Appellants not resident in county—Other persons resident in county summonsed for similar offences committed there—Criminal Justice Act, 1925, s. 11 (1)—Magistrates' Courts Act, 1952, s. 1 (2) (*b*). **Regina v. Blandford; Regina v. Freestone,** C.C.A. [1955] 1 W.L.R. 31.

CRIME—*continued.*

Practice—*continued.*

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Regina v. Mitchell, C.C.A. [1955] 1 W.L.R. 1125.

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Reg. v. Churchill, C.C.A. [1952] 2 Q.B. 637.

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Regina v. Fallows (Practice Note), C.C.A. [1954] 1 W.L.R. 508.

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——— ——— Probation order and statement of breach in respect of which charged to be included in papers.
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Mungoni v. Attorney-General of Northern Rhodesia, J.C. [1960] A.C. 336; [1960] 2 W.L.R. 389.

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Civil servant—Temporary civil servant employed by War Office—Terms of employment laid down by regulations made by Army Council under letters patent—Purported exclusion of Crown's right to dismiss at pleasure—War Department (Outstations) **Riordan v. War Office,** Diplock J. [1959] 1 W.L.R. 1046.

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Terrell v. Secretary of State for the Colonies, Lord Goddard C.J. [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331.

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Established civil servant—Status—Injury by accident—Crown's claim for loss of services.
Inland Revenue Commissioners v. Hambrook, Lord Goddard C.J. [1956] 2 W.L.R. 919.
C.A. [1956] 2 Q.B. 641; [1956] 3 W.L.R. 643.

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Att.-Gen. for Ceylon v. Silva, J.C. [1953] A.C. 461; [1953] 3 W.L.R. 105.

Nuisance—Emission of smoke from hospital chimney—Application of Public Health Act, 1936. **Nottingham No. 1 Area Hospital Management Committee v. Owen,** Divl.Ct. [1957] 3 W.L.R. 707.

Shipping—Limitation of liability—Warship in collision—Solely to blame—Crown not entitled to limit liability—Express statutory exclusion—Canada Shipping Act, 1934, c. 44, ss. 649, 712, **Nisbet Shipping Co. Ld. v. The Queen,** J.C. [1955] 1 W.L.R. 1031.

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Whether a court of assize

"Janus-like hybrid"—Interpretation Act, 1889, s. 13 (4)—Criminal Justice Administration Act, 1956, ss. 1, 3. **Reg. v. Campbell,** Judge Laski [1959] 1 W.L.R. 646.

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Court of Appeal. **Regina v. Staff Sub-Committee of London County Council's Education Committee.** *Ex parte* **Schonfeld (Practice Note),** C.A. [1956] 1 W.L.R. 430.

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Order against him by inferior tribunal—No fair notice of proceedings.
Regina v. County of London Quarter Sessions Appeals Committee. *Ex parte* **Rossi,** C.A. [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800.

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Costs. See **Costs.**

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Agricultural land tribunal—Evidence wrongly admitted—No error of law on face of record—Inadmissibility of affidavit evidence.
Reg. v. Agricultural Land Tribunal for South Eastern Area. *Ex parte* **Bracey,** Divl.Ct. [1960] 1 W.L.R. 911.

——————— Whether statement of case part of record—Wrong exercise of jurisdiction—Whether case stated or certiorari appropriate remedy.
Davies v. Price, C.A. [1958] 1 W.L.R. 434.

Construction—Evidence necessary to enable court to construe documents part of record—Whether certiorari applicable.
Reg. v. Patents Appeal Tribunal. *Ex parte* **Baldwin & Francis Ltd.,** C.A. [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010.

——————— Technical terms—Evidence necessary to enable court to construe documents —Whether assessors may be appointed to assist court—Whether certiorari applicable—Supreme Court of Judicature (Consolidation) Act, 1925, s. 98.
Baldwin & Francis Ltd. v. Patents Appeal Tribunal, H.L.(E.) [1959] A.C. 663; [1959] 2 W.L.R. 826.

Error in report referred to in record—Inferior tribunal—Power of court to order completion of record—Statutory provision that "decision . . . shall be final"—Remedy by certiorari not taken away save by express words.
Reg. v. Medical Appeal Tribunal. *Ex parte* **Gilmore,** C.A. [1957] 1 Q.B. 574; [1957] 2 W.L.R. 498.

Extent of remedy—Whether confined to matters of jurisdiction—Inferior tribunal—Order bad in law on its face—"Speaking order"—Court's jurisidiction to interfere.
Rex v. Northumberland Compensation Appeal Tribunal. *Ex parte* **Shaw,** Divl. Ct. [1951] 1 K.B. 711; [1951] 1 T.L.R. 270; [1951] 1 All E.R. 268.
C.A. [1952] 1 K.B. 338; [1952] 1 T.L.R. 161; [1952] 1 All E.R. 122.

CROWN PRACTICE—*continued.*

Certiorari—*continued.*

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Bastardy—Affiliation order—Perjury by witness called by respondent—Whether certiorari will lie.
Regina v. Ashford, Kent, Justices, *Ex parte* **Richley (No. 2),** C.A. [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778.

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Regina v. National Joint Council for the Craft of Dental Technicians. *Ex parte* **Neate,** Divl.Ct. [1953] 1 Q.B. 704; [1953] 2 W.L.R. 342.

Controller of Textiles—Cancellation of licence—"Reasonable grounds to believe" that dealer is unfit to hold licence—Whether certiorari will lie—Courts Ordinance, s. 42—Defence (Control of Textiles) Regulations, 1945, reg. 62.
Nakkuda Ali v. M. F. De S. Jayaratne, J.C. [1951] A.C. 66.

County court—Order of county court judge made without jurisdiction—Whether certiorari will lie to quash—County Courts Act, 1959, ss. 107, 115.
Reg. v. Hurst, *Ex parte* **Smith,** Divl.Ct. [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961.

——— Whether certiorari will lie to quash order of county court judge made without jurisdiction. **Reg. v. Worthington-Evans,** *Ex parte* **Madan,** Divl. Ct. [1959] 2 Q.B. 145; [1959] 2 W.L.R. 908.

Fire service—Offence against discipline—Case heard by chief officer—Caution administered—Complaint of manner in which hearing conducted—Whether certiorari would issue—Administration of Justice (Miscellaneous Provisions) Act, 1938, s. 7 (2)—Fire Services Act, 1947, s. 4—Fire Services (Discipline) Regulations, 1948, reg. 1 (1).
Ex parte **Fry.** Divl.Ct. & C.A. [1954] 1 W.L.R. 730.

Legal aid committee—Whether committee subject to certiorari—Whether defendants to action by assisted person "persons aggrieved."
Reg. v. Manchester Legal Aid Committee. *Ex parte* **R. A. Brand & Co. Ltd.,** Divl. Ct. [1952] 2 Q.B. 413; [1952] 1 T.L.R. 476; [1952] 1 All E.R. 480.

Mental deficiency—Detention order—Statutory visitors report of opinion to board of control—Recommended extension of detention order—Whether certiorari will lie.
Regina v. Statutory Visitors to St. Lawrence's Hospital, Caterham. *Ex parte* **Pritchard,** Divl.Ct. [1953] 1 W.L.R. 1158.

Minister—Town and country planning—Development—Validity of conditions—Whether certiorari will lie—Town and Country Planning Act, 1947, s. 14.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

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Baldwin & Francis Ltd v. Patents Appeal Tribunal, H.L.(E) [1959] A.C. 663; [1959] 2 W.L.R. 826.
C.A. [1958] 2 W.L.R. 1010.
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Police commissioner—Hackney carriage—Metropolis—Decision to revoke cab driver's licence by commissioner—Reference by commissioner to licensing committee—Revocation of licence—Whether certiorari will lie.
Regina v. Metropolitan Police Commissioner. *Ex parte* **Parker,** Divl.Ct. [1953] 1 W.L.R. 1150.

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Reg. v. Registrar of Building Societies. *Ex parte* **A Building Society,** Divl.Ct. & C.A. [1960] 1 W.L.R. 669.

Statutory tribunal—Dismissal of appeal against improper suspension—Certiorari no remedy—Dock Workers (Regulation of Employment) Order, 1947.
Barnard v. National Dock Labour Board, McNair J. [1952] W.N. 392; [1952] 2 T.L.R. 309; [1952] 2 All E.R. 424.
C.A. [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995.

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Reg. v. Lewes Justices. *Ex parte* **Plumpton & District Club Trustees,** Divl.Ct. [1960] 1 W.L.R. 700.

Justices acting in excess of jurisdiction—Disqualification from holding or obtaining driving licence—Period of disqualification in excess of maximum permitted by statute—Whether conviction must be quashed—Whether disqualification severable from conviction and sentence—Road Traffic Act, 1930 (20 & 21 Geo. 5, c. 43), s. 12.
Reg. v. Arundel Justices. *Ex parte* **Jackson,** Divl.Ct. [1959] 2 Q.B. 89; [1959] 2 W.L.R. 798.

Peremptory order—Made on *ex parte* motion—Circumstances justifying—Affidavit by justices' clerk admitting irregularity in proceedings—Criminal Justice Act, 1925, s. 25—Criminal Justice Act, 1948, s. 79, Sch. IX.
Reg. v. Newcastle-under-Lyme Justices. *Ex parte* **Whitehouse,** Divl.Ct. [1952] W.N. 416; [1952] 2 All E.R. 531n.

CROWN PRACTICE—*continued.*

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Two convictions—Only one offence—Plea of guilty to both charges—Jurisdiction of the magistrate—Certiorari a discretionary remedy.
Regina v. Campbell. *Ex parte* **Nomikos,** Divl.Ct. [1956] 1 W.L.R. 622.

Practice

Affidavits—Cross-examination of deponents—Power of the court to allow cross-examination—Circumstances in which cross-examination allowed—R.S.C., Ord. 38, Ord. 59, r. 47. **Regina v. Stokesley, Yorkshire, Justices.** *Ex parte* **Bartram,** Divl.Ct. [1956] 1 W.L.R. 254.

Applicant not interested—Discretion—Administrative or judicial decision—Licensing justices.
Regina v. Brighton Borough Justices. *Ex parte* **Jarvis,** Divl.Ct. [1954] 1 W.L.R. 203.

Time—Extension—Application—Respondent to be notified—R.S.C., Ord. 59, r. 4 (2).
Regina v. Ashford, Kent, Justices, *Ex parte* **Richley,** Divl.Ct. [1955] 1 W.L.R. 562.

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Regina v. Grimsby Quarter Sessions. *Ex parte* **Fuller,** Divl.Ct. [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563

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Scottish dispute

Dispute between workers in Scottish factory and English employers—Award by Industrial Disputes Tribunal sitting in England—Jurisdiction of Scottish courts—Jurisdiction of English courts—Comity. **Regina v. Industrial Disputes Tribunal.** *Ex parte* **Kigass Ld.** Divl.Ct. [1953] 1 W.L.R. 411.

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Jurisdiction of High Court to quash decision—Adoption order—Adoption Act, 1950, s. 2 (2).
Reg. v. Liverpool Justices. *Ex parte* **W.,** Divl.Ct. [1959] 1 W.L.R. 149.

Costs

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Liability of justices for costs—Certiorari—General practice.
Reg. v. Liverpool Justices, *ex p.* **Roberts,** Divl.Ct. [1960] 1 W.L.R. 585.

——————— Mandamus—Unsuccessful appearance by counsel for justices before Divisional Court—Power to file affidavits in lieu of appearance—Review of Justices Decisions Act, 1872, s. 3.
Regina v. Llanidloes Licensing Justices. *Ex parte* **Davies. (Note),** Divl.Ct. [1957] 1 W.L.R. 809.

Only one set of costs for applicants

Application for order of prohibition—Minister and union separately represented—Whether both entitled to costs
Regina v. Industrial Disputes Tribunal. *Ex parte* **American Express Co. Inc.,** Divl.Ct. [1954] 1 W.L.R. 1118.

Rent tribunal—Certiorari—Application to quash decision dismissed—Only one set of costs for tribunal and landlords.
Regina v. Paddington North and St. Marylebone Rent Tribunal. *Ex parte* **Perry,** Divl.Ct. [1956] 1 Q.B. 229; [1955] 3 W.L.R. 744.

Prohibition. See **Prohibition** (*Parties*).

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Successful application to quash conviction—Application not resisted by prosecutor—No appearance by prosecutor—Whether costs may be awarded against non-appearing party.
Reg. v. Liverpool Justices, *ex parte* **Roberts,** Divl.Ct. [1960] 1 W.L.R. 585.

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University—Domestic dispute—Question for Visitor—Whether mandamus lies—University of London Act, 1926, ss. 4, 5.
Rex v. Dunsheath. *Ex parte* **Meredith,** Divl.Ct. [1951] 1 K.B. 127.

Attorney-General, against

Crime—Appeal to House of Lords—Refusal of certificate.
Ex parte **Blackburn,** C.A. [1956] 1 W.L.R. 1193.

Central Office

Refusal of clerk to give access to document—Whether mandamus lies—R.S.C., Ord. 61, r. 17. *Ex parte* **Associated Newspapers Ltd.,** C.A. [1959] 1 W.L.R. 993.

Costs. See **Costs.**

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Dinizulu v. Att.-Gen., Paull J. [1958] 1 W.L.R. 1252.

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Quarter sessions

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Regina v. County of London Quarter Sessions. *Ex parte* **Downes,** Divl.Ct. [1954] 1 Q.B. 1; [1953] 3 W.L.R. 586.

Plea of Not Guilty—Chairman's improper remarks in presence of jury—Direction to jury to acquit given before any evidence called—Acquittal—Irregularity—Not a mistrial—Whether certiorari and mandamus applicable.
Reg. v. Middlesex Quarter Sessions. *Ex parte* **Director of Public Prosecutions,** Divl.Ct. [1952] 2 Q.B. 758; [1952] 2 All E.R. 312.

Practice. *See* **Certiorari.**

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Private arbitrator—Inferior court. **Regina v. National Joint Council for the Craft of Dental Technicians (Disputes Committee).** *Ex parte* **Neate,** Divl.Ct. [1953] 1 Q.B. 704; [1953] 2 W.L.R. 342.

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Regina v. Wimbledon Justices. *Ex parte* **Derwent,** Divl.Ct. [1953] 1 Q.B. 380; [1953] 2 W.L.R. 350.

Plea of Guilty—Conviction and sentence—Plea subsequently changed to "Not Guilty" by permission of magistrate—Remand for re-hearing—Jurisdiction.
Regina v. Campbell. *Ex parte* **Hoy,** Divl.Ct. [1953] 1 Q.B. 585; [1953] 2 W.L.R. 578.

Parties

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International convention—Application for compulsory licence.
Regina v. Comptroller General of Patents and Designs. *Ex parte* **Parke, Davis & Co.,** Divl.Ct. [1953] 2 W.L.R. 760; C.A. [1953] 2 Q.B. 48; [1953] 3 W.L.R. 40.

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Harper v. Home Secretary, C.A. [1955] Ch. 238; [1955] 2 W.L.R. 316.

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Merricks v. Heathcoat-Amory and Minister of Agriculture, Fisheries and Food, Upjohn J. [1955] Ch. 567; [1955] 3 W.L.R. 56.

Post Office

Liability in contract

Registered overseas postal packets—Theft by postal servant—Whether claim in contract maintainable—Post Office Act, 1908, ss. 12, 13—Crown Proceedings Act, 1947, s. 9 (1) (2)—British Commonwealth and Foreign Post Warrant, 1948, reg. 61.
Triefus & Co. Ltd. v. Post Office, C.A. [1957] 2 Q.B. 352; [1957] 3 W.L.R. 1.

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Pension

Death of soldier on duty—Certificate by Minister of Pensions that death attributable to service—Refusal by Minister to award pension to parents of soldier—Action in tort by parent on behalf of estate—Liability of War Office—Crown Proceedings Act, 1947, s. 10—Royal Warrant of May 24, 1949 (Cmd. 7699), arts. 37, 65.
Adams v. War Office, Glyn-Jones J. [1955] 1 W.L.R. 1116.

Treasury Solicitor

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Appearance on behalf of private individual—Whether Crown sufficiently interested in subject-matter of litigation.
Brownsea Haven Properties Ltd. v. Poole Corpn., C.A. [1958] Ch. 574; [1958] 2 W.L.R. 137.

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CURRENCY. (*See also* Exchange Control; Gold Clause.)
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Cummings v. London Bullion Co. Ltd., Slade J. [1951] W.N. 102.
C.A. [1952] 1 K.B. 327; [1952] 1 T.L.R. 385; [1952] 1 All E.R. 383.
In re **Russian Commercial and Industrial Bank**, Wynn-Parry J. [1955] Ch. 148; [1955] 2 W.L.R. 62.
In re **United Railways of The Havana and Regla Warehouses Ltd.**, C.A. [1959] 2 W.L.R. 251.
H.L.(E.) [1960] Ch. 52; [1960] 2 W.L.R. 969.
Government stock
New Zealand—Inscribed stock—Interest and principal payable at Melbourne "free of exchange"—No option to change place of payment—Obligation discharged by payment of face value in Australian pounds.
National Mutual Life Association of Australasia Ltd. v. Attorney-General for New Zealand, J.C. [1956] A.C. 369; [1956] 2 W.L.R. 532.
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National Bank of Australasia Ltd. v. Scottish Union and National Insurance Co. Ltd., J.C. [1952] A.C. 493; [1952] 2 T.L.R. 254.
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East India Trading Co. Inc. v. Carmel Exporters and Importers Ltd., Sellers J. [1952] 2 Q.B. 439; [1952] 1 T.L.R. 1085.

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CUSTODY
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CYPRUS
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Emergency regulations
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Zakos v. The Queen, J.C. [1956] 1 W.L.R. 1162.
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C.A. [1951] 2 K.B. 314; [1951] 2 T.L.R. 159; [1951] 2 All E.R. 191.

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Single defendant

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National Coal Board v. Galley, C.A. [1958] 1 W.L.R. 16.

Consortium, loss of. (*See also* **Personal injuries.**)

Husband made impotent

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Best v. Samuel Fox & Co. Ltd.; J. W. Thompson (trading as Steel Construction Co.) Third Party, C.A. [1951] 2 K.B. 639; [1951] 1 T.L.R. 1138; [1951] 2 All E.R. 116.
H.L.(E.) [1952] A.C. 716; [1952] 2 T.L.R. 246; [1952] 2 All E.R. 394.

Wife disfigured through defendant's negligence

Husband's desertion after accident—Damages for loss of husband.
Lampert v. Eastern National Omnibus Co. Ld., Hilbery J. [1954] 1 W.L.R. 1047

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"Continuing cause of action"—Repeated breaches of contract of service—R.S.C., Ord. 36, r. 58. **National Coal Board v. Galley,** C.A. [1958] 1 W.L.R. 16.

Negligence

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Clarkson v. Modern Foundries Ltd., Donovan J. [1956] 1 W.L.R. 1210.

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Award of costs to complainant — Whether any damage suffered — Costs insufficient to reimburse complainant—Malicious prosecution—Summary Jurisdiction (Appeals) Act, 1933, ss. 1, 5. **Berry v. British Transport Commission,** Diplock J. [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666.

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Promise by married man—Death of man intestate—Measure of damages—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1).
Shaw v. Shaw, C.A. [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265.

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Copyright, breach of

Sale of photographs of murdered father of plaintiff's pregnant wife—Conduct rendering possible vulgar and offensive behaviour by national newspapers—Scandalous conduct and flagrant breach by defendant—Whether jurisdiction to award exemplary damages—Copyright Act, 1956, s. 17 (3). **Williams v. Settle,** C.A. [1960] 1 W.L.R. 1072.

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No physical injury resulting from assault, except shock—Damages awarded not so excessive that no jury could reasonably have given them—Exemplary damages described as a "fine." **Loudon v. Ryder,** C.A. [1953] 2 Q.B. 202; [1953] 2 W.L.R. 537.

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Hire, contract of

Sale of goods principles

Hire of equipment for fixed period—Premature determination of contract by hirer—Similar equipment always in stock—Measure of damages.
Interoffice Telephones Ltd. v. Robert Freeman Co. Ltd., C.A. [1958] 1 Q.B. 190; [1957] 3 W.L.R. 971.

Infant

Divorce

Damages invested for benefit of child of marriage—No provision for death of child before 21—Form of order in favour of infant—Matrimonial Causes Act, 1950, s. 30 (3).
Collins v. Collins, C.A. [1953] P. 54; [1953] 2 W.L.R. 20.

Landlord and tenant

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Perera v. Vandiyar, C.A. [1953] 1 W.L.R. 672.

Market value. (*See also* **Sale of goods.**)

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Hong Guan & Co. Ltd. v. A. Jumabhoy & Sons Ltd., J.C. [1960] A.C. 684; [1960] 2 W.L.R. 754.

DAMAGES—*continued.*

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Service agreement

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Shindler v. Northern Raincoat Co. Ltd., Diplock J. [1960] 1 W.L.R. 1038.

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Pilkington v. Wood, Harman J. [1953] Ch. 770; [1953] 3 W.L.R. 522.

Statutory right against third party

Whether failure to exercise it unreasonable—Rights of harbour board against wreck and colliding vessel. **The Liverpool (No. 2),** Lord Merriman P. [1960] 2 W.L.R. 541.

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Age, relevance of

Plaintiff of 63. **Bird v. Cocking & Sons Ltd.,** C.A. [1952] W.N. 5.

Assessment, method of

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Disability pension. (*See also Special damage.*)

Compulsory contributor to statutory superannuation fund—Injuries resulting in inability to work—Superannuation before normal retirement age—Whether pension to be set off against loss of wages.
Judd v. Hammersmith, etc., Hospitals Board, Finnemore J. [1960] 1 W.L.R. 328.

Sailor serving in Royal Navy injured in railway accident—Award of disability pension in respect of injuries—Subsequent action against Railway Executive—Assessment of damages—Earning capacity—Whether pension to be taken into account.
Payne v. Railway Executive, Sellers J. [1951] W.N. 240; [1951] 1 T.L.R. 921; [1951] 1 All E.R. 1034.
C.A. [1952] 1 K.B. 26; [1951] 2 T.L.R. 929; [1951] 2 All E.R. 910.

Husband and wife. (*See also* **Consortium, loss of.**)

Both midgets—Choice of husband not to work while wife incapacitated—Exceptional dependence of married midgets upon each other—Choice reasonable—Husband entitled to recover loss of earnings during period of wife's incapacity.
Behrens v. Bertram Mills Circus Ltd., Devlin J. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404.

Choice of husband not to return to work abroad while wife incapacitated—Choice reasonable—Employment in England at lower wage—Whether husband entitled to loss of earnings during period of wife's incapacity.
Kirkham v. Boughey, Diplock J. [1958] 2 Q.B. 338; [1957] 3 W.L.R. 626.

Wife in hospital at distance from home—Unpaid leave taken by husband to be near wife—Consortium—Whether husband entitled to recover loss of earnings during unpaid leave. **McNeill v. Johnstone,** Devlin J. [1958] 1 W.L.R. 888.

Jury

Assessment of damages by jury—Limits of power by appellate court to intervene.
Bocock v. Enfield Rolling Mills Ld., C.A. [1954] 1 W.L.R. 1303.
Nance v. British Columbia Electric Ry. Co. Ltd., J.C. [1951] A.C. 601; [1951] 2 T.L.R. 137; [1951] 2 All E.R. 448.

———————— Whether pattern of awards by judges in comparable cases assist appellate court in considering appeals from awards of jury.
Scott v. Musial, C.A. [1959] 2 Q.B. 429; [1959] 3 W.L.R. 437.

———————— Whether award so excessive as to warrant interference by appellate court.
Cavanagh v. Ulster Weaving Co. Ltd., H.L.(N.I.) [1960] A.C. 145; [1959] 3 W.L.R. 262.

Summing up—"No sum of money can compensate."
Bates v. Stone Parish Council, C.A. [1954] 1 W.L.R. 1249.

Life shortened. (*See also Loss of amenities.*)

Damages not to include wages which, but for accident, would have been earned during natural life. **Harris v. Brights Asphalt Contractors Ld.,** Slade J. [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341.

Damages to include wages which would have been earned during natural working life, notwithstanding injuries shorten life.
Pope v. D. Murphy & Son Ltd., Streatfeild J. [1961] 1 Q.B. 222; [1960] 2 W.L.R. 861.

Loss of prospects of making provision for family.
Richards v. Highway Ironfounders (West Bromwich) Ld., C.A. [1955] 1 W.L.R. 1049.

Loss of amenities

Injury to hands—Relevance of age—Guidance from awards in previous cases.
Bird v. Cocking & Sons Ltd., C.A. [1951] 2 T.L.R. 1260.

DAMAGES—*continued.*

Personal injuries (*Loss of amenities*)—*continued.*

Life shortened—Very young child—Permanent injury to brain—No knowledge of amenities lost—Probability of permanent residence in State institution—Whether entitled to compensation for loss of amenities of life—Whether probability that award never expended on behalf of child relevant—Loss of expectation of life.
Oliver v. Ashman, Lord Parker C.J. [1961] 1 Q.B. 337; [1960] 3 W.L.R. 924.

Loss of arm—Loss of amenities of life not measurable in money—Impossibility of standardizing damages—Guidance from awards in previous cases.
Rushton v. National Coal Board, C.A. [1953] 1 W.L.R. 292.

Permanent injury

Quantum of damages—Award of £75 for fairly serious injury—Whether adequate.
Wilson v. Pilley, C.A. [1957] 1 W.L.R. 1138.

Special damage. (*See also* **Tax element.**)

Award of lump sum disablement gratuity—Proportion which had "accrued" in respect of injury benefit—Amount to be deducted from loss of earnings—National Insurance (Industrial Injuries) Act, 1946, s. 12—Law Reform (Personal Injuries) Act, 1948, s. 2 (1). **Perez v. C.A.V. Ltd.,** Edmund Davies J. [1959] 1 W.L.R. 724.
Roberts v. Naylor Brothers Ltd., Paull J. [1959] 1 W.L.R. 718.
Hultquist v. Universal Pattern and Precision Engineering Co. Ltd., C.A. [1960] 2 Q.B. 467; [1960] 2 W.L.R. 886.

Loss of wages—Right to take account of benefits accruing after period of incapacity—Law Reform (Personal Injuries) Act, 1948, s. 2 (1).
Stott v. Sir William Arrol & Co. Ld., Slade J. [1953] 2 Q.B. 92; [1953] 3 W.L.R. 166.

——— Right to take into account value of any rights accrued or accruing in respect of industrial injury benefit, industrial disablement benefit or sickness benefit—"Injuries"—"Rights"—"Taken into account"—National Insurance (Industrial Injuries) Act, 1946—National Insurance Act, 1946—Law Reform (Personal Injuries) Act, 1948, s. 2 (1).
Flowers v. George Wimpey & Co. Ld., Devlin J. [1956] 1 Q.B. 73; [1955] 3 W.L.R. 426.

Remoteness of damage

Company

Plaintiff injured owing to negligence—Plaintiff active director of private company—Loss of profits by company due to plaintiff's absence through injury—Plaintiff's receipts from company diminished accordingly—Claim for damages in respect of such loss.
Lee v. Sheard, C.A. [1956] 1 Q.B. 193; [1955] 3 W.L.R. 951.

Expenses of third party

Expenses incurred as result of injuries to wife—Payment by husband out of joint banking account—No agreement between husband and wife as to ownership of credit balance—Whether husband under legal obligation to pay—Whether special damage recoverable by wife. **Gage v. King,** Diplock J. [1961] 1 Q.B. 118; [1960] 3 W.L.R. 460.

Expenses of friends for services to plaintiff after motor-car accident—No legal liability on plaintiff to pay friends—Liability of driver to plaintiff.
Schneider v. Eisovitch, Paull J. [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169.

Fact or law. See Fact or Law.

Hospital

Operation—Injection of spinal anaesthetic—Ampoule cracked—Contamination by phenol—Patient permanently paralysed. **Roe v. Minister of Health. Woolley v. Same,** McNair J. [1954] 1 W.L.R. 128.
C.A. [1954] 2 Q.B. 66; [1954] 2 W.L.R. 915.

Negligence of plaintiff

Damage to plaintiff's motor-car through negligence of garage—Loan to plaintiff of another car during repair—Loss of second car through plaintiff's negligence—Hire of third car—Claim against garage for cost of hire.
Macrae v. H. G. Swindells, Barry J. [1954] 1 W.L.R. 597.

Novus actus interveniens

Ship—Whether master's conduct reasonable—Burden of proof—Collision damage.
The Guildford, Lord Merriman P. [1956] P. 364; [1956] 3 W.L.R. 474.

——— ——— Chartered ship sent to unsafe place.
Compania Naviera Maropan S/A v. Bowaters Lloyd Pulp and Paper Mills Ld., Devlin J. [1954] 3 W.L.R. 894.
C.A. [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998.

Suicide after personal injuries—Head injuries—Neurosis.
Pigney v. Pointer's Transport Services Ltd., Pilcher J. [1957] 1 W.L.R. 1121.

Woman locked in public lavatory—Injured while endeavouring to escape—Whether attempt to escape reasonable consequence of fault in lock.
Sayers v. Harlow Urban District Council, C.A. [1958] 1 W.L.R. 623.

Trespass

Cattle—Personal injury to occupier of land—Injury not due to vicious action by cattle—Damage to occupier not too remote.
Wormald v. Cole, C.A. [1954] 1 Q.B. 614; [1954] 2 W.L.R. 613.

DAMAGES—*continued.*

Sale of goods. (*See also* **Market value.**)

C.i.f.

Late shipment of goods to Hongkong—Presentation by sellers of forged bills of lading—Goods accepted by buyers with knowledge of late shipment—Discovery of forgery—Fall in market value—Goods unsaleable—Damages for loss of right to reject goods—Quantum—Date of calculation.
Kwei Tek Chao v. British Traders and Shippers Ld., Devlin J. [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365; [1954] 3 W.L.R. 496.

Condition not to resell except to seller

Resale on black market to third party—Measure of damages.
Mouat v. Betts Motors Ltd., J.C. [1959] A.C. 71; [1958] 3 W.L.R. 598.

Failure to accept and pay for goods

Delivery of motor-car refused by buyer—Sold to another purchaser—Whether dealer entitled to loss of profit on repudiated sale—Fixed retail price—"Available market"—Sale of Goods Act, 1893, s. 50 (2) (3).
Charter v. Sullivan, C.A. [1957] 2 Q.B. 117; [1957] 2 W.L.R. 528.

——————— Type readily available—Dealer entitled to profit on repudiated sale—Mitigation of damages—"Available market"—Sale of Goods Act, 1893, s. 50 (3). **Thompson (W. L.) Ld. v. Robinson (Gunmakers) Ld.**, Upjohn J. [1955] Ch. 177; [1955] 2 W.L.R. 185.

Failure to provide letter of credit

Repudiation of contract—Loss of profit—Impecuniosity of plaintiff—Measure of damages—Sale of Goods Act, 1893, s. 50 (3).
Trans Trust S.P.R.L. v. Danubian Trading Co. Ltd., McNair J. [1952] 1 K.B. 285; [1952] 1 T.L.R. 13; [1952] 1 All E.R. 89.
C.A. [1952] 2 Q.B. 297; [1952] 1 T.L.R. 1066; [1952] 1 All E.R. 970.

Resale

Loss of profits—Contemplation of parties. **Kwei Tek Chao v. British Traders and Shippers Ld.**, Devlin J. [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365.

Foreseeable consequences of breach of contract—Compromise by plaintiffs of other proceedings—Vendor's liability to plaintiffs—Reasonableness of compromise.
Biggin & Co. Ltd. v. Permanite Ltd., Devlin J. [1951] 1 K.B. 422; 66 T.L.R. (Pt. 2) 944; [1950] 2 All E.R. 859.
C.A. [1951] 2 K.B. 314; [1951] 2 T.L.R. 159; [1951] 2 All E.R. 191.

String contract

Costs of legal proceedings—Whether reasonably incurred and contemplated at time of contract. **Butterworth v. Kingsway Motors**, Pearson J. [1954] 1 W.L.R. 1286.

Failure to provide letter of credit—Loss of profit.
Ian Stach Ltd. v. Baker Bosley Ltd., Diplock J. [1958] 2 Q.B. 130; [1958] 2 W.L.R. 419.

Repudiation by first and second sellers—Sub-buyer's acceptance of second seller's repudiation—Second seller's subsequent acceptance of first seller's repudiation.
British Electrical and Associated Industries (Cardiff) Ld. v. Patley Pressings Ld., McNair J. [1953] 1 W.L.R. 280.

Warranty

Warranty as to performance of plant sold—Breach—Capital loss—Loss of profit—Sale of Goods Act, 1893, s. 53. **Cullinane v. British "Rema" Manufacturing Co. Ld.**, C.A. [1954] 1 Q.B. 292; [1953] 3 W.L.R. 923.

Sale of land

Loss of profit

Intention of purchaser to develop land—Land ripe for development—Breach of contract of sale—Whether knowledge of purchaser's intention imputed to vendor.
Diamond v. Campbell-Jones, Buckley J. [1961] Ch. 22; [1960] 2 W.L.R. 568.

Scotland

Death of husband

Widow's action for negligence—Whether widow's private means relevant.
Shiels v. Cruikshank, H.L.(Sc.) [1953] 1 W.L.R. 533.

Shipping. *See* **Remoteness of damage**; SHIPPING.

Solicitor's negligence

Entailed interest

Failure to advise client before death of entailed interest—Time at which damages to be ascertained. **Otter v. Church, Adams, Tatham & Co.**, Upjohn J. [1953] 1 W.L.R. 156.

Time, out of

Failure to issue writ in due time.
Kitchen v. Royal Air Force Association, C.A. [1958] 1 W.L.R. 563.

Title, defective

Property conveyed with defective title—Time at which damages to be ascertained—Mitigation—Diminution in market value—Special damage—Whether within reasonable contemplation of parties.
Pilkington v. Wood, Harman J. [1953] Ch. 770; [1953] 3 W.L.R. 522.

DAMAGES—*continued.*

Solicitor's negligence—*continued.*

Will

Failure properly to advise client—Consequent loss by client of benefits conferred on her by will—Effect of contingencies—Measure of damages.
Hall v. Meyrick, Ashworth J. [1957] 2 W.L.R. 458.
C.A. [1957] 2 Q.B. 455; [1957] 3 W.L.R. 273.

Specific performance, in addition to

Contract to allot shares

Dividends and interest.
Sri Lanka Omnibus Co. Ltd. v. Perera, J.C. [1952] A.C. 76; [1952] 2 T.L.R. 1184.

Surveyor's negligence

Negligent report

Property purchased in reliance on negligent report by surveyor—Measure of damages—"Value"—Cost of repair not recoverable—Damages measurable by difference in value of property as described and as it ought to have been described—Date of assessment—Quantum of damages not be altered by fall in value of money between date when cause of action accrued and date of hearing of action.
Philips v. Ward, C.A. [1956] 1 W.L.R. 471.

Tax element

Company

Pensions to company's servants—Capitalization of pensions owing to liquidation—Tax to be taken into account.
In re **Houghton Main Colliery Co. Ltd.,** Wynn-Parry J. [1956] 1 W.L.R. 1219.

Compensation for compulsory purchase

Loss of profits—Hypothetical income tax deductible from compensation—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, r. (6).
West Suffolk County Council v. W. Rought Ltd., C.A. [1955] 2 Q.B. 338; [1955] 2 W.L.R. 1080.
H.L.(E.) [1957] A.C. 403; [1956] 3 W.L.R. 589.

Earnings, loss of

Action for personal injuries—Loss of professional earnings—Whether tax which would have been payable on them must be taken into account.
British Transport Commission v. Gourley, H.L.(E.) [1956] A.C. 185; [1956] 2 W.L.R. 41.

Particulars of tax. **Phipps v. Orthodox Unit Trusts Ltd.,** C.A. [1958] 1 Q.B. 314; [1957] 3 W.L.R. 856.

Wrongful dismissal—Loss of salary as managing director—Large unearned income—Whether that should be taken into account for tax purposes in assessing general damages. **Beach v. Reed Corrugated Cases Ltd.,** Pilcher J. [1956] 1 W.L.R. 807.

Profits, loss of

Contract for sale of land—Purchaser carrying on business as dealer in real property—Breach of contract—Whether damages gross amount of profits which would have been made.
Diamond v. Campbell-Jones, Buckley J. [1961] Ch. 22; [1960] 2 W.L.R. 568.

Rent, loss of

Trespass and conversion—Whether income and profits tax which would have been payable on it to be taken into account.
Hall & Co. Ltd. v. Pearlberg, W. K. Carter Q.C., Official Referee [1956] 1 W.L.R. 244.

Salvage

Incidence of taxation on award not material.
The Makedonia, Pilcher J. [1958] 1 Q.B. 365; [1958] 2 W.L.R. 256.

Personal award—Liability to taxation on award—Effect on award.
The Telemachus, Willmer J. [1957] P. 47; [1957] 2 W.L.R. 200.

Trade union

Action against union by member

Expulsion of member by Secretary—Expulsion ultra vires—Right of member to damages.
Bonsor v. Musicians' Union, C.A. [1954] Ch. 479; [1954] 2 W.L.R. 687.

Trespass. *See* **Exemplary; Remoteness.**

Vendor and purchaser. *See* **Sale of land.**

DAMNOSA HEREDITAS

Lease

Forfeiture to Crown

Burdensome covenants—Liability of Crown as lessee—Inquisition—Whether necessary before entering on forfeiture—Queen's Remembrancer Act, 1859—Mortmain and Charitable Uses Act, 1888, s. 1
Attorney-General v. Parsons, C.A. [1955] Ch. 664; [1955] 3 W.L.R. 29.
(H.L.(E.) [1956] A.C. 421; [1956] 2 W.L.R. 153).

DANGEROUS CHATTEL

See Negligence; Rylands *v.* Fletcher.

DANGEROUS DRIVING

See Road Traffic.

DANGEROUS MACHINERY

See Factory.

DANGEROUS PREMISES

See Negligence; Occupiers' Liability.

DANGEROUS STRUCTURE

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DE MINIMIS NON CURAT LEX

Divorce

Insanity

Care and treatment—Detention under temporary order—Discharge—Re-admission 12 days later as voluntary patient—Whether receiving treatment "without any interval"—Matrimonial Causes Act, 1950, s. 1 (2) (*d*).

Charlton v. Charlton, C.A. [1955] 1 W.L.R. 675.

DEATH. *See* Damages; Fatal Accidents Acts; Husband and Wife (**Divorce**; **Maintenance**; **Marriage** (*Breach*); Joint Tortfeasors; Limitation of Action; Practice; Presumption.

DEBT. (*See also* Currency; Execution.)

Accrual

Time for payment

Debt subject to Treasury consent—Exchange Control Act, 1947.

Contract and Trading Co. (Southern) Ltd. v. Barbey, H.L.(E.) [1960] A.C. 244; [1960] 2 W.L.R. 15.

Attachment. *See* Contempt of Court; Husband and Wife (**Maintenance**); Practice (**Garnishee**).

Committal order

Examiner

Jurisdiction—Failure to attend before examiner—Whether indorsement on order fixing appointment requires signature of examiner—Whether appointment made by examiner ultra vires—Whether examiner officer of court—R.S.C., Ord. 42, r. 32.

Hunt v. Allied Bakeries Ltd. (No. 2), C.A. [1959] 1 W.L.R. 50.

Power of revocation

Committal for non-payment of debt—Debtors Act, 1869, s. 5.

Wiltshire v. Fell, C.A. [1960] 1 Q.B. 181; [1959] 3 W.L.R. 984.

Demand

Whether condition precedent to payment

Mortgage—Legal charge—Charge to secure repayment to bank "on demand" of moneys due on current account—Foreclosure proceedings by bank within 12 years of demand but over 12 years after advance—Effect of covenant to repay "on demand"—Charge in favour of bank a collateral security—Limitation of action—Limitation Act, 1939, ss. 4 (3), 18 (4). **Lloyds Bank Ld. v. Margolis,** Upjohn J. [1954] 1 W.L.R. 644.

Discharge

Clayton's case, rule in

Pre-occupation debt—Repayment—Current account between moneylenders—Pre-occupation debit—Whether discharged by payments made during occupation period.

A.M.K.M.K. v. Chettiar, J.C. [1955] A.C. 230; [1955] 2 W.L.R. 213.

Payment by cheque

Acceptance by creditor—Conditional discharge.

Thomson v. Moyse, H.L.(E.) [1960] 3 W.L.R. 929.

Foreign currency, in. *See* Currency.

Judgment debt

Debt in respect of ultra vires contract

Whether capable of admission to proof.

In re **Jon Beauforte (London) Ld.,** Roxburgh J. [1953] Ch. 131; [1953] 2 W.L.R. 465.

Extortion

Costs wrongly demanded—Bankruptcy petition dismissed—Judgment summons based on same debt—Jurisdiction to make order—Debtors Act, 1869, s. 5—Bankruptcy Act, 1914, s. 107 (4). *In re* **A Judgment Summons (No. 25 of 1952).** *Ex parte* **Henleys Ld.,** Harman J. [1953] Ch. 1; [1952] 2 T.L.R. 681; [1952] 2 All E.R. 772. C.A. [1953] Ch. 195; [1953] 2 W.L.R. 315.

DEBT—*continued.*

Merger

Simple contract debt and specialty debt

Agricultural credit—Charge in favour of bank—Discharge of charge—Account still overdrawn—Whether intention to merge—Agricultural Credits Act, 1928, s. 5 (1) (5).
Barclays Bank Ltd. v. Beck, C.A. [1952] 2 Q.B. 47; [1952] 1 T.L.R. 595; [1952] 1 All E.R. 549.

DECEIT

See Fraud.

DECLARATION

See Practice.

DEED. (*See also* Contract (**Construction; Seal**); Landlord and Tenant (**Agreement**); Partnership.)

Deed poll

Registered transfer of land

Covenant—Transfer of mortgaged property with registered title—Transferee's covenant to pay principal and interest to mortgagee—Deed poll or deed inter partes—Whether covenant enforceable by mortgagee.
Chelsea and Walham Green Building Society v. Armstrong, Vaisey J. [1951] Ch. 853; [1951] 2 T.L.R. 312; [1951] 2 All E.R. 250.

Execution

Escrow

Intention to execute in duplicate—Execution of one part conditional on execution of counterpart—Whether delivery imported.
Beesly v. Hallwood Estates Ltd., Buckley J. [1960] 1 W.L.R. 549.

Undated—Revocable instructions to agent of grantor—Appointment of receiver—Appointment not intended to become binding until instructions complied with—Validity—Whether delivered as an escrow—Whether undelivered deed—Whether effective instrument under hand. **Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd.,** Cross J. [1961] Ch. 88; [1960] 3 W.L.R. 108.

Wafer seal

Signature—Due execution.
Stromdale & Ball Ltd. v. Burden, Danckwerts J. [1951] 2 T.L.R. 1192.

DELEGATED LEGISLATION. *See* By-law; Emergency Legislation; Statutory Instrument.

DENTIST

Disciplinary committee

Appeal from

Principles applicable—National Health Service—Allegations of overcharging and wrongful certification—Elements essential to establish "infamous or disgraceful conduct in a "professional respect"—Question of mixed fact and law—Dentists Act, 1957, ss. 25, 29.
Felix v. General Dental Council, J.C. [1960] A.C. 704; [1960] 2 W.L.R. 934.

Discipline

"Infamous or disgraceful conduct"

Meaning—National Health Service—Allegations of overcharging and wrongful certification—Elements essential to establish "infamous or disgraceful conduct in a professional "respect"—Dentists Act, 1957, ss. 25, 29.
Felix v. General Dental Council, J.C. [1960] A.C. 704; [1960] 2 W.L.R. 934.

Practice of dentistry

Repair of split dental plate by dental technician—Impression taken of mouth—"Treat"ment, advice or attendance"—Dentists Act, 1921, s. 14 (2).
Almy v. Thomas, Divl.Ct. [1953] 1 W.L.R. 1296.

DESERTION

See Husband and Wife.

DETENTION ORDER

See Mental Deficiency.

DETINUE. (*See also* Conversion.)

Damages

Hire-purchase agreement

Prohibition against assignment of goods or benefit of agreement—Option to purchase—Sale of goods by hirer—Tender of balance of hire and purchase price by purchasers—Purchasers without rights under hire-purchase agreement—Damages not restricted to balance of hire and purchase price.
United Dominions Trust (Commercial) Ld. v. Parkway Motors Ld., McNair J. [1955] 1 W.L.R. 719.

Profit-earning chattels

User by defendant—Measure of damages.
Strand Electric and Engineering Co. Ltd. v. Brisford Entertainments Ltd., C.A. [1952] 2 Q.B. 246; [1952] 1 T.L.R. 939; [1952] 1 All E.R. 796.

DETINUE—*continued.*

Damages—*continued.*

Sale of goods

Date at which value of goods assessable.
Joseph (D.) Ltd. v. Ralph Wood & Co. Ltd., McNair J. [1951] W.N. 224.

Plaintiff's property in goods

Immediate right to possession

Contractual right—Goods sold and delivered—In possession of third party—Agreement between buyer and seller for return—Whether seller entitled to sue third party in detinue. **Jarvis v. Williams**, C.A. [1955] 1 W.L.R. 71.

Obtained by illegal contract with defendant

Appropriation by defendant—Whether detinue lies—Motor vehicle.
Singh v. Ali, J.C. [1960] A.C. 167; [1960] 2 W.L.R. 180
C.A. [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995.

DEVIATION

Doctrine of. *See* AIRCRAFT (**Carriage by air**); CONTRACT (**Exceptions**); SHIPPING.

DISCOVERY

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DIVISIONAL COURT

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DIVORCE

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Costs—Legal aid. *See* LEGAL AID (**Costs**).

DOCK

Dock workers

Cornporters' committee. *See* TRADE UNION.

Labour board

Delegation of disciplinary powers by national board to local board—Unauthorized delegation of disciplinary powers by local board to committee of local board—Wrongful dismissal—Whether damages sufficient remedy—Whether declaration should be granted—Dock Workers (Regulation of Employment) Order 1947 (S.R. & O. 1947, No. 1189). **Vine v. National Dock Labour Board**, C.A. [1956] 1 Q.B. 658; [1956] 2 W.L.R. 311.
H.L.(E.) [1957] A.C. 488; [1957] 2 W.L.R. 106.

Suspension of workers—Unauthorized delegation of power—Appeal to statutory tribunal dismissed—Discretionary power of court to intervene—Declaration and injunction—Dock Workers (Regulation of Employment) Order, 1947.
Barnard v. National Dock Labour Board, McNair J. [1952] W.N. 392; [1952] 2 T.L.R. 309; [1952] 2 All E.R. 424.
[1952] 1 All E.R. 809.

Expenses of raising vessel

Limitation of liability

Whether "injury or damage"—Harbours and docks—Obstruction to navigation of canal by sunken barge—No physical damage or injury to harbour works—Liability of barge owners for expenses incurred by canal company in removing obstruction—Whether right to limit liability—Harbours, Docks and Piers Clauses Act, 1847, s. 74— Merchant Shipping Act, 1894, s. 503—Merchant Shipping (Liability of Shipowners and Others) Act, 1900, ss. 1, 3—Manchester Ship Canal Act, 1897, s. 9—Manchester Ship Canal Act, 1936, s. 32 (1) (2). **The Stonedale No. 1**, Willmer J. [1953] 1 W.L.R. 1241.
C.A. [1954] P. 338; [1954] 2 W.L.R. 1075.
H.L.(E.) [1956] A.C. 1; [1955] 3 W.L.R. 203.

Harbour

Quay

Mooring rights—Rights of navigation—Whether use of quay for business of boat repairing purpose incidental to navigation.
Iveagh v. Martin, Paull J. [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210.

Rating. *See* RATING.

Regulations. (*See also* FACTORY.)

Crane or winch

Duty to fence "so far as practicable without impeding safe working of ship"—Meaning—Accident with ship's winch—Docks Regulations, 1934, reg. 26.
Ritchie v. T. G. Irving & Co. Ltd., C.A. [1952] W.N. 550; [1952] 2 T.L.R. 1012.

Signaller—Crane engaged in loading barge—Scope of duty to provide signaller—Area of duty defined—Docks Regulations, 1934, reg. 43.
Smith v. Port Line Ld., C.A. [1955] 1 W.L.R. 514.

Lighting

Ship unloading at jetty—Efficient lighting in hold—Relevant regulation—Two employers' personnel unloading—Both liable for absence of signaller—Indemnity—Docks Regulations, 1934, regs. 3, 12, 43.
Johnson v. A. H. Beaumont Ld., McNair J. [1953] 2 Q.B. 184; [1953] 2 W.L.R. 1153.

DOCK—*continued.*

Regulations (*Lighting*)—*continued.*

Unloading of vessel—Breach by shipowners of statutory duty—Liability of stevedores to remedy breach—" Shortest time reasonably practicable "—Docks Regulations, 1934, regs. 12, 50. **Simons v. W. H. Rhodes & Son Ltd.**, C.A. [1956] 1 W.L.R. 642.

Removal of safety gear

Construction and applicability of regulation 45—Uncovered hatch—Docks Regulations, 1934, rr. 37, 45. **Cockerill v. William Cory & Son Ltd.**, C.A. [1959] 2 Q.B. 194; [1959] 2 W.L.R. 870.

Safe maintenance

Statutory liability for " general management and control "—Wooden platform propped up against door of shed—Workman injured by fall of platform—Whether place " maintained with due regard to safety of persons employed "—" Maintained "—Docks Regulations, (*a*), Pt. I, reg. 1.
Woods v. W. H. Rhodes & Son Ld., C.A. [1953] 1 W.L.R. 1072.

Safe means of access

Gangway—Breakage of gangway during unloading of ship—Ladder sole means of access—No steps taken by employers of stevedores to provide gangway—Whether " reasonably practicable " to provide gangway—Prima facie failure by ship to comply with regulation—Onus of proof—Dock Regulations, 1934, regs. 9 (*a*) (*b*), 50.
Walter Wilson & Son Ltd. v. Summerfield, Divl.Ct. [1956] 1 W.L.R. 1429.

——— Leading from ship to wharf—Duty to provide " safe means of access "—Whether heads of gangway must be safe—Meaning—Docks Regulations, 1934, reg. 9.
Dawson v. Euxine Shipping Co. Ld., McNair J. [1953] 1 W.L.R. 287.

Hold of ship—Bagged cargo unloaded—Spillage not cleared—Hold " in which work is " being carried on "—Meaning of " work "—Work on the processes—" Loading, " unloading "—Meaning of " unloading "—Docks Regulations, 1934, reg. 11 (1).
Mace v. R. & H. Green & Silley Weir Ltd., Lord Parker C.J. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504.

Shipbuilding

Dry dock—Accident—Painting ship with anti-fouling composition—" Work of repair "—Breach of statutory duty—Common law liability—Shipbuilding Regulations, 1931, reg. 11 (*b*). **Day v. Harland & Wolff Ld.**, Pearson J. [1953] 1 W.L.R. 906.

——— Painting ship with anti-fouling paint—" Work of repair "—Safe means of access to " all parts of the ship "—Part of dock from which ship painted—Notional occupier—Shipbuilding Regulations, 1931, reg. 1.
Hurley v. J. Sanders & Co. Ld., Glyn-Jones J. [1955] 1 W.L.R. 470.

——— Several repairers contracting with shipowners—No notional occupier—Accident to shipowners' employee—Liability of shipowners—Shipbuilding Regulations, 1931, " Duties," reg. 10.
Canadian Pacific Steamships Ltd. v. Bryers, Diplock J. [1956] 1 W.L.R. 1181;
C.A. [1957] 1 Q.B. 134; [1956] 3 W.L.R. 776.
H.L.(E.) [1958] A.C. 485; [1957] 3 W.L.R. 993.

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Shipping and unshipping of goods

Exclusion of privately owned tugs—Humber Commercial Railway and Dock Act, 1901, ss. 66, 70—Harbours, Docks, and Piers Clauses Act, 1847, s. 33.
J. H. Pigott & Son v. Docks and Inland Waterways Executive, Sellers J. [1953] 1 W.L.R. 94.

DOCTOR. *See* MEDICAL PRACTITIONER.

DOG. *See* ANIMAL.

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DOMINION
See COLONY; PARLIAMENT; STATUTE.

DONATIO MORTIS CAUSA.
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See NEGLIGENCE (**Duty of care**).

DOUBLE PROOF, RULE AGAINST

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Debts arising out of tort or under statute

Limitation action—Claims by harbour board under statute against wreck and by wreck in tort against colliding vessel.
The Liverpool (No. 2), Lord Merriman P. [1960] 2 W.L.R. 541.
C.A. [1960] 3 W.L.R. 597.

DRAINAGE. *See* LAND DRAINAGE.

DURESS

Husband and wife. *See* Husband and Wife (**Marriage**).

Transfer of land in Malaya

Transferee's knowledge of duress to be established.

Kesarmal v. Valliappa Chettiar, J.C. [1954] 1 W.L.R. 380.

EASEMENT

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On wall of leased premises

Demise of first and second floors of building—Advertisements on outside walls at date of lease—Whether implied reservation in favour of landlord—Derogation from grant.
In re **Webb's Lease,** Danckwerts J. [1951] 1 K.B. 149.
C.A. [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131.

Ancient light

Reservation in lease

Window in demised premises—Reservation in head lease as to erection of adjacent buildings—Permission to erect adjacent building granted by ground landlord—Objection by assignees to obstruction of window—Action for injunction—Plaintiffs precluded by reservation in head lease from objecting to erection of proposed building.
Blake & Lyons Ltd. v. Lewis Berger & Sons Ltd., Wynn-Parry J. [1951] W.N. 425; [1951] 2 T.L.R. 605.

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Wayleave

Electric line—Supporting towers—Statutory easement.
Central Electricity Generating Board v. Jennaway, Lloyd-Jacob J. [1959] 1 W.L.R. 937.

Business, to benefit

Storage

Claim of prescriptive right to store on neighbour's land vehicles awaiting and undergoing repair and vehicles awaiting collection after repair—Whether such right an easement in law. **Copeland v. Greenhall,** Upjohn J. [1952] Ch. 488; [1952] 1 T.L.R. 786; [1952] 2 All E.R. 991.

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Reciprocal—Revocation—Benefit of manhole and outflow.
Hopgood v. Brown, C.A. [1955] 1 W.L.R. 213.

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Right to use. *In re* **Ellenborough Park,** Danckwerts J. [1955] 3 W.L.R. 91.
C.A. [1956] Ch. 131; [1955] 3 W.L.R. 892.

Prescription

Knowledge of user by servient owner

Pasturage—Interruption of user—Protests by owner of dominant tenement followed by submission to interruption for more than one year—Prescription Act, 1832, ss. 1, 4.
Davies v. Du Paver, C.A. [1953] 1 Q.B. 184; [1952] 2 T.L.R. 890; [1952] 2 All E.R. 991.

Period of user until action

No possibility of interruption for a year—Right of way—Contiguous plots of land—Agreement—Grant of conditional user by defendant of plaintiff's entrance drive—Action by plaintiff to terminate user—User for period of over 19 years—Prescription Act, 1832, ss. 2, 4. **Reilly v. Orange,** C.A. [1955] 1 W.L.R. 616.

Right of way. (*See also* **Prescription**).

Highway. (*See also* Highway.)

Private right co-existent with public right—Closing order of highway by quarter sessions—Whether private easement affected—Highway Act, 1835, s. 91.
Walsh v. Oates, C.A. [1953] 1 Q.B. 578; [1953] 2 W.L.R. 835.

Implied grant

Way of necessity—Dominant tenement not landlocked by land retained by grantor at date of conveyance.
Barry v. Hasseldine, Danckwerts J. [1952] Ch. 835; [1952] 2 T.L.R. 92; [1952] 2 All E.R. 317.

Reservation to vendor in grant

Right to " pass and repass with or without vehicles . . . for the purpose of obtaining " access to . . . the auction mart "—Right to halt for loading and unloading goods for auction. **Bulstrode v. Lambert,** Upjohn J. [1953] 1 W.L.R. 1064.

Support

Withdrawal

Writ—Indorsement—Statement of claim—Alternative claim in trespass and negligence—Whether new cause of action—R.S.C., Ord. 2, r. 1; Ord. 3, rr. 1, 2, 3; Ord. 20, r. 4.
Graff Bros. Estates Ld. v. Rimrose Brook Joint Sewerage Board, C.A. [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419.

EASTERN AFRICA

Company

Shares

Sale—Alleged fraudulent misrepresentation.
Akerhielm v. De Mare, J.C. [1959] A.C. 789; [1959] 3 W.L.R. 108.

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Kenya

Advocate

Professional misconduct—Functions of Advocates Committee—Application of rule of concurrent findings of fact—Standard of proof—Advocates Ordinance, No. 55 of 1949 (Kenya), ss. 9, 15. **Bhandari v. Advocates Committee,** J.C. [1956] 1 W.L.R. 1442.

Contract

Mistake—Licence to cut and process sisal—Provision for delivery of stipulated minimum quantity to licensor—Leaf potential insufficient for fulfilment of contractual requirements—Mutual mistake as to essential matter of fact—Contract impossible in itself—Contract void—Effect of statutory provisions—Licensor not entitled to compensation—Indian Contract Act, IX of 1872, ss. 20, 56.
Sheikh Brothers Ltd. v. Ochsner, J.C. [1957] A.C. 136; [1957] 2 W.L.R. 254.

Criminal law

Eastern African Court of Appeal—Jurisdiction to order retrial—Same power as that of court appealed from—General jurisdiction—Rule of practice and procedure—East African Court of Appeal Order in Council, 1950, ss. 16 (1), 18 (1)—Eastern African Court of Appeal Rules, 1954, r. 41.
Ross v. The Queen, J.C. [1957] A.C. 208; [1957] 2 W.L.R. 307.

Evidence—Illegally obtained—Test of admissibility—Relevance to matters in issue—Principle applicable in both civil and criminal cases—Rule as to admissibility of confessions not qualified—Search without warrant—Illegal possession of ammunition—Reference to Home Secretary—Emergency Regulations, 1952 (Kenya), regs. 84 (1) (*b*), 29. **Kuruma v. The Queen,** J.C. [1955] A.C. 197; [1955] 2 W.L.R. 223.

Nolle prosequi—Subsequent trial on new information without fresh inquiry and committal—Validity—Criminal Procedure Code (Laws of Kenya, 1948, c. 27), s. 82.
Poole v. The Queen, J.C. [1961] A.C. 223; [1960] 3 W.L.R. 770.

Crown

Prerogative—Application in Protectorate—Grant of franchise of pontage—Crown exemption from payment of tolls for military personnel and families.
Nyali Ld. v. Attorney-General, C.A. [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649.
H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341.

Execution

Sale by bailiff—Title of purchaser—Motor-vehicle—Auction sale under court order—Previous registered chattels mortgage—Notice—Title of purchaser as against mortgagee—Chattels Transfer Ordinance (Laws of Kenya, 1948, c. 281), ss. 4, 13 (2)—Bankruptcy Ordinance (Laws of Kenya, 1948, c. 30), s. 45 (3)—Bankruptcy and Deeds of Arrangement Act, 1913, s. 15.
Dyal Singh v. Kenyan Insurance Ld., J.C. [1954] A.C. 287; [1954] 2 W.L.R. 607.

Income tax

Assessment—Eastern Africa—Made before expiry of time for furnishing return—Ultra vires and void—East African Income Tax (Management) Act, 1952, ss. 59 (1), 71 (1), 72.
Mandavia v. Income Tax Commissioner, J.C. [1959] A.C. 114; [1959] 2 W.L.R. 5.

Landlord and tenant

Forfeiture of lease—Relief from forfeiture—Lease of Crown land—" Special conditions "—Breach—Whether " covenants " or " conditions of defeasance "—Relief from forfeiture—Jurisdiction of court—Principles applicable in granting relief—Crown Lands Ordinance, 1915 (Laws of Kenya, 1948, s. 155), s. 83—Registration of Titles Ordinance, 1919 (Laws of Kenya, 1948, c. 160), ss. 20, 21; Sch. I, form B. (1).
Bashir v. Commissioner of Lands, J.C. [1960] A.C. 44; [1959] 3 W.L.R. 996.

Rent restriction—Claim for possession—Application for order for partial ejectment—Jurisdiction of Rent Control Board—Increase of Rent (Restriction) Ordinance, No. 22 of 1949 (Kenya), s. 16 (1) (*k*). **Meghji Lakhamshi & Brothers v. Furniture Workshop,** J.C. [1954] A.C. 80; [1954] 2 W.L.R. 159.

——— ——— Property occupied both for residential and business purposes—Not simultaneously ascribable to both categories—Test of dominant feature or user—Alternative accommodation—Increase of Rent and Mortgage Interest (Restrictions) Ordinance, 1940, ss. 11 (1) (*d*), 19 (*a*).
Harnam Singh v. Jamal Pirbhai, J.C. [1951] A.C. 688.

——— ——— Jurisdiction of Rent Control Board—Finding by board of landlord and tenant relationship—Not res judicata in superior court—Increase of Rent (Restriction) Ordinance, No. 22 of 1949, as amended by the Increase of Rent (Restriction) (Amendment No. 2) Ordinance, No. 34 of 1951, s. 5 (1) (*n*).
Heptulla Brothers Ltd. v. Thakore, J.C. [1956] 1 W.L.R. 289.

——— ——— Jurisdiction of Supreme Court—Statute—Repealing legislation—Pending action—Statute not retroactive—Interpretation and General Clauses Ordinance of Kenya (Laws of Kenya, 1948, c. 1), s. 13 (3)—Increase of Rent and Mortgage Interest (Restrictions) Ordinance, No. 12 of 1940—Increase of Rent (Restrictions) Ordinance, No. 22 of 1949, s. 35. **Noronha v. Devji,** J.C. [1954] A.C. 49; [1953] 3 W.L.R. 972.

——— ——— Sublease—Premises sublet without consent of landlord—Landlord's right against " occupier " whether or not a " lawful sub-tenant "—Increase of Rent (Restriction) Ordinance, 1949, (Kenya), s. 16 (1) (i), (2) (6).
Chogley v. Bains, J.C. [1955] 1 W.L.R. 877.

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Mortgage

Order for sale—Whether mortgagee entitled to order for sale—Whether proviso for redemption in mortgage "contract to the contrary"—Indian Transfer of Property Act, 1882 (Act XIV of 1882), s. 67.
Karachiwalla v. Nanji, J.C. [1959] A.C. 518; [1958] 3 W.L.R. 572.

Vendor and purchaser

Contract—Sale of rent-restricted property—Surrender of tenancy between contract and completion—Duty of vendor not to relet without consulting purchaser—Indian Transfer of Property Act (IV of 1882), s. 55 (1) (*e*)—English principles applicable.
Abdulla v. Shah, J.C. [1959] A.C. 124; [1959] 2 W.L.R. 12.

Contract for sale of land—Specific performance.
Hasham v. Zenab, J.C. [1960] A.C. 316; [1960] 2 W.L.R. 374.

Specific performance—Agreement for sale of land in Highlands—Part payment of purchase price—Alleged creation of unregistered charge—Admissibility of agreement—Indian Transfer of Property Act, 1882 (No. IV of 1882), s. 55 (6) (*b*)—Crown Lands Ordinance (Laws of Kenya, 1948, c. 155), s. 127 (2).
Denning v. Edwardes, J.C. [1961] A.C. 245; [1960] 3 W.L.R. 801.

Mohamedan law

Privy Council decisions in appeals from India

Applicability **Bakhshuwen v. Bakhshuwen,** J.C. [1952] A.C. 1.

Tanganyika

Criminal law

Conspiracy—Husband and wife—Shia Mohammedans—English rule of unity of spouses applicable in Tanganyika—Rule applicable where valid marriage potentially polygamous—Penal Code of Tanganyika (Laws of Tanganyika, 1947 Rev., c. 16), ss. 4, 110 (*a*). **Mawji v. The Queen,** J.C. [1957] A.C. 126; [1957] 2 W.L.R. 277.

Practice and procedure

Limitation—Lease of share of sisal estate—Suit for an account—Preliminary issue of limitation—Suit held not time-barred—Judgment for plaintiff on trial of action—Appeal—Duty of appeal court to deal with issue of limitation—Indian Code of Civil Procedure (V of 1908), ss. 2, 97—Indian Limitation Act (IX of 1908), s. 3; First Schedule, arts. 106, 116. **Tzamburakis v. Rodoussakis,** J.C. [1958] A.C. 469; [1958] 3 W.L.R. 265.

Revenue

Income tax—Company—Statutory power of revenue authority to order distribution of dividend—Unless satisfied that losses incurred render distribution unreasonable—"Losses" not to include capital losses—All matters relevant to unreasonableness, including capital losses, to be considered—Tanganyika Income Tax (Consolidation) Ordinance, No. 27 of 1950, s. 21.
Income Tax Commissioner v. Williamson Diamonds Ltd., J.C. [1958] A.C. 41; [1957] 3 W.L.R. 663.

Surtax—Company—Apportionment following surtax direction—Effect—Settlement of shares on child by father—Notional distribution of dividend—Whether assessable as income of father—Meaning of "deemed"—East African Income Tax (Management) Act, 1952, ss. 22, 24.
Houry v. Income Tax Commissioner, J.C. [1960] A.C. 36; [1959] 3 W.L.R. 874.

Uganda

Revenue

Income tax—Company—Undistributed profits—Exemption—Company "in which the "public are substantially interested"—"The public"—Distinguished from controlling interest—No implication from family relationship—Shareholder member of public becoming director—Income Tax Ordinance, No. 8 of 1940 (Uganda) (as amended by section 5 of Ordinance No. 11 of 1943), s. 21 (1), proviso (*b*), (2).
Commissioner of Income Tax v. Bjordal, J.C. [1955] A.C. 309; [1955] 2 W.L.R. 342.

Vendor and purchaser

Highlands land

Written consent of Governor required—Agreement to sell does not "effect any trans-"action"—Endorsement of consent on agreement unnecessary—Consent given subsequent to sale—Validity—Crown Lands Ordinance, s. 88 (1) (3).
Denning v. Edwardes, J.C. [1961] A.C. 245; [1960] 3 W.L.R. 801.

Zanzibar

Revenue

Stamp duty—Time of stamping—"At or before the time of execution"—Meaning of "at"—Contract—Sale of goods—"Local contract note"—"Memorandum of an agree-"ment"—Not a "broker's note"—Exemption from stamp duty—Admissible in evidence—Sale of Goods Decree (Laws of Zanzibar, 1934, c. 81), s. 3 (1)—Stamp Decree, 1940 (No. 5 of 1940) (Zanzibar), ss. 4, 19, 39; 1st Sch., arts. 5 (1) (*a*), 41.
M. Takim & Co. v. Yelji, J.C. [1955] A.C. 617; [1955] 2 W.L.R. 991.

ECCLESIASTICAL LAW

Benefice. (*See also* **Union of benefices.**)

Burden

Lay rectory—Repairs to chancel—Repairs paid for by one impropriator—Claim for contribution to costs from another impropriator—All rectorial lands sold by original impropriator—Burden to repair chancel on owner for the time being of rectorial lands—Not within implied covenant on sale for valuable consideration—Law of Property Act, 1925, Sch. II. **Chivers & Sons Ld. v. Air Ministry,** Wynn-Parry J. [1955] Ch. 585; [1955] 3 W.L.R. 154.

Faculty

Altar

Faculty to substitute altar made of stone for one made of wood.
In re **St. John the Divine, Richmond,** Consistory Ct. [1953] P. 155; [1953] 2 W.L.R. 921.

Armorial bearings

Royal arms—Introduction into church—Whether consent of bearer necessary.
In re **St. Paul's Church, Battersea,** Consistory Court [1954] 1 W.L.R. 920.

——— ——————— Whether permission of Her Majesty necessary before issue of faculty. *In re* **West Tarring (Rector and Churchwardens),** Consistory Court [1954] 1 W.L.R. 923n.

Aumbry

Reservation—Whether reservation of the Blessed Sacrament theologically permissible and whether reservation an illegal ceremony—Whether aumbry an illegal ornament.
In re **St. Michael and All Angels, Bishopwearmouth,** Garth Moore Ch. [1958] 1 W.L.R. 1183.

Burial ground

Disinterment—Disinterment followed by reinterment in communal grave—Road widening scheme. *In re* **Parish of Caister-on-Sea,** Ellison Ch. [1958] 1 W.L.R. 309.

——— Jurisdiction to grant faculty for disinterment of body from consecrated ground for cremation and subsequent reinterment of ashes.
In re **Matheson, decd.,** Steel Ch. [1958] 1 W.L.R. 246.

Disused churchyard—Proposed user of part as footpath and omnibus shelter—Whether omnibus shelter a " building "—Disused Burial Grounds Act, 1884, s. 3.
In re **St. Mark's Church, Lincoln,** Macmorran Ch. [1956] P. 166; [1955] 3 W.L.R. 844.
Court of Arches [1956] P. 336; [1956] 3 W.L.R. 147.

Candlesticks

Six candlesticks in use on Holy Table or retable before destruction by fire—Petition supported by parochial church council and unopposed—More than two candlesticks not unlawful—Discretion of chancellor.
In re **St. Saviour's Church, Walthamstow,** Dean of Arches [1951] P. 147.

Costs

Tombstone—Unauthorized erection of tombstone by stonemasons in churchyard—Previous undertaking by stonemasons to obtain necessary permission for customer—Subsequent grant of faculty in part—Costs ordered against stonemasons for work erected without faculty. *In re* **Woldingham Churchyard,** Garth Moore Ch. [1957] 1 W.L.R. 811.

Demolition of church

Jurisdiction. *In re* **St. George's, Birmingham,** Salt Q.C. Ch. [1960] 1 W.L.R. 1069.

Lease

Faculty to rector to grant option to take lease—Jurisdiction of consistory court.
In re **St. Swithin's, Norwich,** Ellison Ch. [1961] P. 77; [1959] 3 W.L.R. 989.

Ornaments

Discretion. *In re* **St. George's, Southall** [1952] 1 All E.R. 323.

Extent and nature of faculty jurisdiction—Removal of illegal ornaments—Whether ciborium an illegal ornament.
In re **St. Mary, Tyne Dock (No. 2),** Durham Consist.Ct. [1958] P. 156; [1957] 3 W.L.R. 945.

Removal of illegal ornaments—Reservation of the sacrament in a tabernacle or aumbry—Authority of the bishop—Sanctuary gong and bells—Altar lights and other candleholders—Incense, thurible and incense boat—Confessional table and chair—Crucifixes and processional cross—Second and third holy tables—Stations of the Cross—Holy water stoup, cruet of holy oil and humoral veil—Statue of the Blessed Virgin Mary with the Child Jesus. *In re* **St. Mary, Tyne Dock,** Consistory Court, [1954] P. 369; [1954] 2 W.L.R. 1129.

Prayers for the departed

Erection of stained glass window bearing inscription " Pray for the soul of Elizabeth " Smith." *In re* **Parish of South Creake,** Ellison Ch. [1959] 1 W.L.R. 427.

Stations of the Cross

Ten according to the Gospel and four non-scriptural—Devotional services performed before each of the fourteen in sequence—Purpose of services—Not objects of " superstitious reverence "—Legality.
In re **St. Peter, St. Helier, Morden;** *In re* **St. Olave, Mitcham,** Chancellor Garth Moore [1951] P. 303; [1951] 1 T.L.R. 1033; [1951] 2 All E.R. 53.

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Tabernacle

Reservation of Sacrament for the sick—Use of simple tabernacle as receptacle—Proposal to place above altar of Lady Chapel—Whether illegal—Limited power of chancellor to grant faculty. *In re* **Lapford (Devon) Parish Church,** Consistory Court [1954] P. 416; [1954] 2 W.L.R. 1105.
Court of Arches [1955] P. 205; [1954] 3 W.L.R. 748.

Tithe. *See* TITHE.

Union of benefices

Scheme

Compliance by scheme framing authorities with statutory requirements—Jurisdiction of Judicial Committee to consider proposed scheme *de novo* and on its merits—Union of Benefices Measure, 1923, s. 10 (3) (5)—Pastoral Reorganisation Measure, 1949, s. 3 (2). **Little Leigh Parochial Church Council v. Church Comrs.,** J.C. [1960] 1 W.L.R. 567.

"Consultation so far as is practicable with . . . parochial church councils"—Meaning—Pastoral Reorganisation Measure, 1949, s. 3 (1). *In re* **Union of Benefices of Whippingham and East Cowes, St. James,** J.C. [1954] A.C. 245; [1954] 2 W.L.R. 804.

Irregular appointment of commissioner—Effect—Scheme returned for reconsideration—Amended scheme unaffected by previous irregularity—Union of Benefices Measure, 1923, ss. 3 (1) (*b*), 11 (3).
Parochial Church Council of Bradeston v. Church Commissioners for England, J.C. [1951] A.C. 24.

Wales

Peculiar

Right of rector to grant marriage licences—Whether right extinguished on the disestablishment of the Church in Wales—Welsh Church Act, 1914, s. 23—Welsh Church (Temporalities) Act, 1919, s. 6. **Powell v. Representative Body of the Church in Wales,** Wynn-Parry J. [1957] 1 W.L.R. 439.

EDUCATION. (*See also* CHARITY.)

Local educational authority

"*Former authority*"

Transfer of property by "former authority"—Dispute—Arbitration—Jurisdiction of court ousted—Education Act, 1944, s. 96 (2).
Gillingham Corpn. v. Kent County Council, Danckwerts J. [1953] Ch. 37; [1952] 2 T.L.R. 1009; [1952] 2 All E.R. 1107.

"Parent"

Meaning

Verminous child—Child's condition due to mother's neglect—Mother's liability as "parent"—Education Act, 1944, ss. 54 (6), 114 (1).
Plunkett v. Alker, Divl.Ct. [1954] 1 Q.B. 420; [1954] 2 W.L.R. 280.

School

Attendance

Powers of head teacher—Discipline—Pupil's dress—Girl sent to school wearing slacks—Excuses for non-attendance—Whether statutory list exhaustive—Education Act, 1944, s. 39. **Spiers v. Warrington Corporation,** Divl.Ct. [1954] 1 Q.B. 61; [1953] 3 W.L.R. 695.

"Walking distance"—Direct route not safe for children unless escorted—Meaning of "nearest available route"—Question of safety—Education Act, 1944, s. 39 (5).
Farrier v. Ward, Divl.Ct. [1954] 1 W.L.R. 306.

Duty regarding children. See NEGLIGENCE (**Child**).

Endowed school

Closure—Grant of land by lord of manor—Avoidance clause if intention of grantor could not be "carried into effect"—Limitation to steward of manor and rector of the parish "and their successors . . . rectors of the . . . parish" with lord of the manor as trustees—Statutory scheme vesting school in Educational Council—Closure of school—Whether avoidance clause continuing condition—Whether possessory title in favour of charity—Whether resulting trust for successor of lord of manor—School Sites Act, 1836, ss. 1, 2, 3 (repealed and replaced by School Sites Act, 1841, ss. 1, 2)—Endowed Schools Act, 1869, ss. 9, 46.
Bankes v. Salisbury Diocesan Council of Education Incorporated, Russell J. [1960] 2 Q.B. 631; [1960] 2 W.L.R. 916.

——— Original trusts affecting land not affected.
In re **Ingleton Charity,** Danckwerts J. [1956] Ch. 585; [1956] 3 W.L.R. 369.

Negligence. See NEGLIGENCE (**Child**).

Provision of efficient education

Secondary grammar—Suitable education available in independent school—Parent's objection on religious grounds—Alternative school chosen by parent—Refusal of local education authority to pay full tuition fees—Duty of local education authority to "have regard to the general principle" to educate in accordance with wishes of parents—Meaning—Extent of local education authority's duty—Enforceable by Minister

EDUCATION—*continued.*

School (*Provision of efficient education*)—*continued.*

—Education Act, 1944, ss. 8, 76—Regulations for Scholarships and Other Benefits, 1945.

Watt v. Kesteven County Council, Ormerod J. [1955] 1 Q.B. 408; [1954] 3 W.L.R. 729.
C.A. [1955] 1 Q.B. 408; [1955] 2 W.L.R. 499.

Transport for pupils

Travelling expenses—Proposal to pay to parents sum sufficient to carry child to within walking distance of school and home—" Transport to and from school "—Education Act, 1944, ss. 39 (2) (*c*); 55 (1) (2).

Surrey County Council v. Ministry of Education, Lynskey J. [1953] 1 W.L.R. 516.

Teacher

Duties

School meals service—Refusal by members of teachers' association to collect money for school meals—Resolution by local education authority that members of association refusing to collect money be dismissed—" Duties in respect of meals other than the supervision of pupils "—Education Act, 1944, s. 49—Provision of Milk and Meals Regulations, 1945, regs. 13, 14.

Price v. Sunderland Corporation, Barry J. [1956] 1 W.L.R. 1253

University

Discipline

Domestic commission of inquiry—Duty to comply with natural justice.

Ceylon University v. Fernando, J.C. [1960] 1 W.L.R. 223.

Meaning

Claim by college for recognition as " university "—Limited power to grant degrees.

St. David's College, Lampeter v. Ministry of Education, Vaisey J. [1951] W.N. 131; [1951] 1 T.L.R. 656; [1951] 1 All E.R. 559.

EJUSDEM GENERIS RULE

Contract

Charterparty

Exceptions clause—Cargo to consist of lawful general merchandise excluding acids, explosives, arms, ammunition " or other dangerous cargo "—Turpentine loaded with knowledge of master.

Chandris v. Isbrandtsen-Moller Co. Inc., Devlin J. and C.A. [1951] 1 K.B. 240.

Consecutive clauses

Similar subject-matter—Noscitur a sociis—Exceptions clauses in charterparty.

Louis Dreyfus & Cie v. Parnaso Cia, Naviera S.A., Diplock J. [1959] 1 Q.B. 494; [1959] 2 W.L.R. 405.

Separation agreement

Covenant not to institute proceedings for restitution of conjugal rights " or otherwise " —No bar to proceedings for divorce.

Keeble v. Keeble, Mr. Commissioner Latey Q.C. [1956] 1 W.L.R. 94.

Statute

Building

Metropolis—" Building or structure "—London Building Act, 1930, s. 22.

London County Council v. Tann, Divl.Ct. [1954] 1 W.L.R. 371.

Precautions against collapse " by adequate shoring or otherwise "—Meaning of " other-" wise "—Building (Safety, etc.) Regulations, 1948, reg. 79 (7).

Mortimer v. Samuel B. Allison Ltd., H.L.(Sc.) [1959] 1 W.L.R. 330.

Charity

" Objects charitable or . . . otherwise concerned with the advancement of religion, education or social welfare "—Akin to charity—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1).

National Deposit Friendly Society Trustees v. Skegness Urban District Council,
Divl.Ct. [1957] 1 Q.B. 531; [1957] 2 W.L.R. 322.
C.A. [1957] 2 Q.B. 573; [1957] 3 W.L.R. 550.
H.L.(E.) [1959] A.C. 293; [1958] 3 W.L.R. 172.

Electricity regulations

" Danger from shock, burn, or other injury "—" Other injury " ejusdem generis with " shock, burn "—Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy, 1908, s. 26

Lane v. London Electricity Board, Parker L.J. [1955] 1 W.L.R. 106.

Offence

" Amplifier or similar instrument "—Glamorgan County Council Act, 1952, s. 115 (5).

Reynolds v. John; T. Wall & Sons Ltd. v. John,
Divl.Ct. [1956] 1 Q.B. 650; [1956] 2 W.L.R. 398.

Place

" House, room or other place "—Sunday Observance Act, 1780, s. 1.

Culley v. Harrison, Divl.Ct. [1956] 2 Q.B. 71; [1956] 3 W.L.R. 21.

" Public processions, rejoicings or illuminations "—Instances constituting genus—Following general words " and in any case."

Brownsea Haven Properties Ltd. v. Poole Corpn., Vaisey J. [1957] 3 W.L.R. 669.
C.A. [1958] Ch. 574; [1958] 2 W.L.R. 137.

EJUSDEM GENERIS RULE—*continued.*

Statute—*continued.*

War damage

Business insurance scheme—"Goods"—Working drawings used in manufacture—Excluded as "documents owned for the purposes of a business"—War Damage Act, 1943 (6 & 7 Geo. 6, c. 21), ss. 84 (1), 104.
J. H. Tucker & Co. Ld. v. Board of Trade, Vaisey J. [1955] 1 W.L.R. 655.

ELECTION

See PARLIAMENT.

ELECTION OR OPTION. (*See also* CONTRACT (**Repudiation**); LANDLORD AND TENANT; WILL.)

Charterparty

Right to substitute ships

Clause—"At any time"—Alternative modes of performance.
S.A. Maritime et Commerciale of Geneva v. Anglo-Iranian Oil Co. Ld., Devlin J. [1953] 1 W.L.R. 1379.
(C.A. [1954] 1 W.L.R. 492.)

Effect of exercise

Charterparty

Notice of capacity of ship. **Louis Dreyfus & Cie v. Parnaso Cia, Naviera, S.A.,** Diplock J. [1959] 1 Q.B. 494; [1959] 2 W.L.R. 405.
C.A. [1960] 2 Q.B. 49; [1960] 2 W.L.R. 637.

Lease, extension of

Exercise by assignee—Liability of assignor under lease.
Baker v. Merckel, C.A. [1960] 1 Q.B. 657; [1960] 2 W.L.R. 492.

Election or selection

Building lease

Lessor's right to approve plans—Approval given—Whether he must consider further plans.
Commissioner for Railways v. Avrom Investments Pty. Ltd., J.C. [1959] 1 W.L.R. 389.

Charterparty

Alternative cargoes. **South African Dispatch Line v. The Niki (Owners),** C.A. [1960] 1 Q.B. 518; [1960] 2 W.L.R. 294.

Right to nominate—Cargo—Port. **Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food,** McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665.

ELECTRICITY

Nationalization

Local authority authorised undertakers

Cash or investments immediately before vesting day to vest in British Electricity Authority—Cash at corporation's bankers—Local Government Act, 1933, s. 185 (1)—Electricity Act, 1947, ss. 14, 15. **Reg. v. Minister of Housing and Local Government. *Ex parte* Hove Corpn.,** C.A. [1952] W.N. 373; [1952] 2 T.L.R. 203.

Property transferred

Local authority electricity undertakers—Transfer to statutory authority—Part of surplus revenue applied to general rate fund—Electricity Act, 1947, ss. 14, 15—Exeter Corporation Act, 1935, s. 112 (1). **British Electricity Authority v. Exeter Corpn.,** Danckwerts J. [1953] 1 W.L.R. 355.

Regulations

"Danger"

Electricity sub-station with open duct on floor—Fall of electrician while inspecting premises—Parts of premises where apparatus placed to be "adequately lighted to "prevent danger"—"Danger from shock, burn, or other injury"—"Other injury" ejusdem generis with "shock, burn"—Construction—Regulations for the Generation, etc., of Electrical Energy, 1908, reg. 26.
Lane v. London Electricity Board, Parker L.J. [1955] 1 W.L.R. 106

Electric cable

Injury "attendant upon the generation, transformation, distribution or use of electrical energy"—Regulation providing for proper construction of electrical joint as regards mechanical strength—No current passing through cable—Accident due to breaking of cable—Defective joint—Breach of statutory duty—Electricity Regulations, 1908, reg. 6—Factories Act, 1937, s. 24 (1).
Gatehouse v. John Summers & Sons Ld., C.A. [1953] 1 W.L.R. 742.

Electric fan. See FACTORY (**Dangerous machinery (fencing)**).

"Electrical process"

Protection of eyes—Provision of goggles—Power to make regulations for processes involving special risk of injury to eye—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, Sch. **Rees v. Bernard Hastie & Co. Ld.,** C.A. [1953] 1 Q.B. 328; [1953] 2 W.L.R. 288.

Electrical stacking truck. See FACTORY (**Dangerous machinery (fencing)**).

Electricity supply

Fault in consumer's installation—Liability of suppliers—Failure to test earthing arrangements before commencing to give supply—Electricity Supply Regulations, 1937, reg. 27 (*a*). **Sellars v. Best,** Pearson J. [1954] 1 W.L.R. 913.

ELECTRICITY—*continued.*

Regulations—*continued.*

Insulating screens

Control house—Failure to screen live switchboard panels—Electrician fatally injured—Breach of statutory duty—Electricity (Factories Acts) Regulations, 1908 (S.R. & O., 1908, No. 1312), regs. 15 and 24.
Murfin v. United Steel Companies Ltd. Power Gas Corporation Ltd. (Third Party), C.A. [1957] 1 W.L.R. 104.

"*Person employed*"

Person employed by independent contractor electrocuted in factory premises—"Persons "employed"—Liability of factory owner for breach of regulations—Factories Act, 1937, s. 60 (as amended by Factories Act, 1948, s. 12)—Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907, reg. 1.
Massey-Harris-Ferguson (Manufacturing) Ltd. v. Piper, Divl.Ct. [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271.

Switch

Fireman electrocuted in factory premises while fighting fire—Mains switch not conforming to regulations—Firemen not "persons employed"—No right of action—Factories Act, 1937, s. 60 (as amended by Factories Act, 1948, s. 12)—Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907.
Hartley v. Mayoh & Co., C.A. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355.

Supply

Compulsory power

"Party concerned"—Person entitled to enforce restrictive covenant—Electricity (Supply) Act, 1919, ss. 21, 22. **National Trust for Places of Historic Interest or National Beauty v. Midlands Electricity Board,** Vaisey J. [1952] Ch. 380; [1952] 1 T.L.R. 74; [1952] 1 All E.R. 298.

Placing of lines

Installation of transmission system—Consent of Minister to erection of line—Notice of intention to place line and erect steel towers—Refusal of consent by landowner—Whether Minister's consent invalidated by variation in route shown—Whether steel towers included in consent—"Above ground"—"Electric line"—Whether towers included in implied grant of necessary ancillary rights—Transfer of functions to new authorised undertakers—Whether notice deemed to be served by new undertakers—Electric Lighting Act, 1882, s. 32—Electric Lighting (Clauses) Act, 1899, Sch., s. 10 (*b*)—Electricity Supply Act, 1919, s. 22 (1)—Electricity Act, 1957, ss. 25, 26.
Central Electricity Generating Board v. Jennaway, Lloyd-Jacob J. [1959] 1 W.L.R. 937.

Tariff

"*Undue discrimination*"

High voltage and low voltage consumers—"Class of persons"—Differential—Electricity Act, 1947, s. 37 (8). **South of Scotland Electricity Board v. British Oxygen Co. Ltd.,** H.L.(Sc.) [1956] 1 W.L.R. 1069.

——————— Differential—Fuel variation charge—High load factor consumers—Annual maximum demand charge not incorporated—Electricity Act, 1947, s. 37 (8).
South of Scotland Electricity Board v. British Oxygen Co. Ltd., H.L.(Sc.) [1959] 1 W.L.R. 587.

EMERGENCY CERTIFICATE

See Legal Aid.

EMERGENCY LEGISLATION

Agricultural holding.

Notice to quit. See Agriculture.

Building. *See* Building (**Licence**).

Courts emergency powers

Taking possession of property

Hire-purchase agreement—Car sold by hirer in breach of agreement—Car released by owners to purchaser on payment of amount due under agreement—Courts (Emergency Powers) Act, 1943, s. 1 (2) (*a*) (ii).
Chatterton v. Maclean, Parker J. [1951] 1 All E.R. 761.

Export

Prohibited without licence

Coffee delivered to residence of nightwatchman at docks—Small quantities sold to seamen—Consumed on board ship or exported—Whether prohibited goods brought to "any "quay or other place" for purpose of being exported—Construction—Whether "other "place" ejusdem generis with "quay"—Import, Export and Customs Powers (Defence) Act, 1939, s. 3 (1)—Export of Goods (Control) (Consolidation) Order, 1949.
Roe v. Hemmings, Divl.Ct. [1951] 1 K.B. 676; [1951] 1 T.L.R. 365; [1951] 1 All E.R. 389.

Manufacture and supply

Nylon stockings

Stockings ordered for export—Agent signed declaration in principal's name—Stockings taken from manufacturer by agent—Handed to another person—Distributed in England

EMERGENCY LEGISLATION—*continued.*

Manufacture and supply (*Nylon stockings*)—*continued.*

—Whether "supply . . . to a person who surrenders a declaration in writing signed "and dated by him"—Utility Mark and Apparel and Textiles (General Provisions) Order, 1947, art. 18 (4)—Knitted Goods (Manufacture and Supply) Order, 1948, arts. 3 (2), 3A (1).
Patel v. Willis, Divl.Ct. [1951] 2 K.B. 78; [1951] 1 T.L.R. 807; [1951] 1 All E.R. 470.

National registration

Identity card

Production demanded by police constable—Whether national emergency one and indivisible—Duration of Act—Powers of police—Reasonable exercise—National Registration Act, 1939, ss. 6 (4), 12 (4).
Willcock v. Muckle, Divl.Ct. [1951] 2 K.B. 844; [1951] 2 T.L.R. 373; [1951] 2 All E.R. 367.

Personal injuries

Negligence

Extraterritorial operation—Landing on foreign airfield of aircraft belonging to His Majesty—Subsequent fire—Injury to passenger in aircraft—Whether "war injury"—Whether injury "caused" by impact—Extraterritorial operation of Act of 1939—Personal Injuries (Emergency Provisions) Act, 1939, ss. 3 (1), 8 (1).
Howgate v. Bagnall, Barry J. [1951] 1 K.B. 265.

Price control

Coal

Fixed rent plus royalty—Provisions in lease prescribing calculation of royalty—Claim for arrears—Royalty a form of rent—Statutory provisions for reduction applicable—National Security (Prices) Regulations, 1940 (made under National Security Act, 1939–1940 (Commonwealth)) regs. 3, 23 (2).
Perpetual Trustee Co. Ltd. v. Pacific Coal Co. Pty. Ltd., J.C. [1956] A.C. 165; [1956] 2 W.L.R. 105.

Meaning of "price"

Motor-car—Covenant restricting resale—Covenant not part of consideration—Covenant legal—Breach—Damages, measure of—[New Zealand] Control of Prices Act, 1947, No. 51, s. 2 (1).
Mouat v. Betts Motors Ltd., J.C. [1959] A.C. 71; [1958] 3 W.L.R. 598.

Sale at excessive price

Preparation of illegal price tickets—Intention to attach to meat before delivery to customers—Act preparatory to commission of offence—Defence (General) Regulations, 1939, reg. 55AB—Meat (Prices) (Great Britain) Order, 1952, art. 3.
Hope v. Brown, Divl.Ct. [1954] 1 W.L.R. 250.

Public safety or order

Delegation of powers

Detention order, duty of governor to be satisfied of necessity for—Power of governor to make—Power to delegate powers—Whether duty can be delegated—Emergency Powers Regulations, 1956, of Northern Rhodesia, regs. 16 (1), 47.
Mungoni v. Attorney-General of Northern Rhodesia, J.C. [1960] A.C. 336; [1960] 2 W.L.R. 389.

Relation to purpose

Cyprus—Collective punishment regulations—Validity—Collective fine order—Prior inquiry—Whether statutory requirements complied with—Emergency Powers Order in Council, 1939, s. 6 (1)—Emergency Powers (Collective Punishment) Regulations, 1955 to (No. 1), 1955, regs. 3, 5 (1) (2). Cyprus.
Ross-Clunis v. Papadopoullos, J.C. [1958] 1 W.L.R. 546.

Order in Council conclusive as to own purpose—Validity independent of consideration which led to its passing. **Attorney-General for Canada v. Hallet & Carey, Ltd.,** J.C. [1952] A.C. 427; [1952] 1 T.L.R. 1408.

Requisitioning. (*See also* HOUSING.)

Crown property

Lease—Liability of lessor for rent during requisition—Whether requisition an "eviction."
Commissioners of Crown Lands v. Page, C.A. [1960] 2 Q.B. 274; [1960] 3 W.L.R. 446.

Premises

Compensation—Easements—To use land for pleasure—Compensation rental—Payment of amount for dilapidations—Who entitled to rental—How amount for dilapidations applicable—Compensation (Defence) Act, 1939, s. 2 (1), (2).
In re **Ellenborough Park,** Danckwerts J. [1956] Ch. 131; [1955] 3 W.L.R. 91. (C.A. [1956] Ch. 131; [1955] 3 W.L.R. 892.)

Compensation on derequisitioning payable to "owner" at date of derequisitioning—Contract of sale at that date—Completion—Claim by purchaser—Whether vendor a constructive trustee for purchaser of compensation money—Compensation (Defence) Act, 1939, ss. 1 (1), 2 (1), (*b*), 2 (3), 17 (1).
In re **Hamilton's Snowball's Conveyance,** Upjohn J. [1959] Ch. 308; [1958] 2 W.L.R. 951.

Occupation by family by permission of requisitioning authority—Agreement made with plaintiff's husband—Injury to plaintiff owing to negligence of authority—Status of

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Requisitioning (*Premises*)—*continued.*

occupants—Duty owed—Licensees—Concealed danger—Knowledge by plaintiff of danger —Failure of authority to remedy it—Plaintiff not free to act on knowledge.
Greene v. Chelsea Borough Council, C.A. [1954] 2 Q.B. 127; [1954] 3 W.L.R. 12.

Part of house requisitioned for homeless from enemy bombing—Duration of requisitioning —Failure to obtain extension from Minister—Defence (General) Regulations, 1939, reg. 51—Ministry of Health Circular 2080 of 1940.
Acton Borough Council v. Morris, C.A. [1953] 1 W.L.R. 1228.

Power of requisitioning authority to transfer requisition to another authority—Liability of requisitioning authority in respect of collateral arrangement with owner—Defence (General) Regulations, 1939, reg. 51 (1), (2).
Blount v. War Office, Ormerod J. [1953] 1 W.L.R. 736.

Trees

Heritable property—Right of requisitioner to cut down trees—Defence (General) Regulations, 1939, reg. 51 (2).
Demetriades v. Glasgow Corporation, H.L.(Sc.) [1951] W.N. 108; [1951] 1 T.L.R. 396; [1951] 1 All E.R. 457.

Ship. *See* Shipping.

Statutory force

Inconsistent enactment

Trustee Savings Banks Act, 1863, ss. 2, 6—Emergency Powers (Defence) Act, 1939, s. 1 (4)—Supplies and Services (Transitional Powers) Act, 1945, ss. 5 (2), 10—Industrial Disputes Order, 1951, arts. 1, 8. **Regina v. Industrial Disputes Tribunal.** *Ex parte* **East Anglian Trustee Savings Bank,** Divl.Ct. [1954] 1 W.L.R. 1093.

War damage. *See* War Damage.

ENCROACHMENT. *See* Landlord and Tenant.

ENEMY

See International Law; Trading with Enemy.

ENEMY PROPERTY. *See* Probate.

ENFORCEMENT NOTICE

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ENTAILED INTEREST

Settlement

Rules applicable

Abeyance of estate—Successive entailed interests to only son of settlor and subsequently born younger sons with remainder to great-nephew—Death of tenant in tail in settlor's lifetime—Disposition of intermediate income pending birth of further sons or settlor's death—Law of Property Act, 1925, ss. 130 (1), 175 (1).
In re **Crossley's Settlement Trusts,** Wynn-Parry J. [1955] Ch. 627; [1955] 3 W.L.R. 291.

Will

Disposition

Gift of entailed interest in settled land—" All other my estate and interest in the family " property "—Whether sufficient specific reference to property—Law of Property Act, 1925, s. 176 (1). **Acheson v. Russell,** Vaisey J. [1951] Ch. 67.

ENTICEMENT

Harbouring

Harbouring of husband

Allegation by wife that husband harboured against her will—No allegation of enticement —Whether action for harbouring simpliciter will be at suit of a wife.
Winchester v. Fleming, Devlin J. [1958] 1 Q.B. 259; [1957] 3 W.L.R. 1023.

Husband and wife

Mother-in-law

Whether action by husband will lie against.
Gottlieb v. Gleiser, Denning L.J. [1958] 1 Q.B. 267.

EQUITY

Clean hands. (*See also* **Fraud (Fraud to court)**.)

Equitable right

Evidenced by false receipt—Innocent recipient—Enforceability.
Mason v. Clarke, C.A. [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48.
H.L.(E.) [1955] A.C. 778; [1955] 2 W.L.R. 853.

Presumption of advancement

Transaction in contravention of foreign revenue law—Foreign securities registered abroad in wife's name—Registration to avoid husband's tax liability in breach of

EQUITY—*continued.*

Clean hands (*Presumption of advancement*)—*continued.*

foreign law—Intention that beneficial interest be held equally by husband and wife—Claim by husband to beneficial half interest in securities—Whether husband entitled to set up purpose of registration to rebut presumption of advancement.
In re **Emery's Investment Trusts,** Wynn-Parry J. [1959] Ch. 410; [1959] 2 W.L.R. 461.

Equality

Beneficiaries under will

Sale of some bequests to pay testator's debts.
In re **Cohen, decd.,** Danckwerts J. [1960] Ch. 179; [1959] 3 W.L.R. 916.

Matrimonial home. (*See also* HUSBAND AND WIFE (**Act of 1882**).)

Proportions of payment. **Rimmer v. Rimmer,** C.A. [1953] 1 Q.B. 63; [1952] 2 T.L.R. 767; [1952] 2 All E.R. 863.

Quasi-husband and wife

Quasi-matrimonial home—Parties unmarried—Division of proceeds of sale—Whether equitable principles relating to married couples applicable.
Diwell v. Farnes, C.A. [1959] 1 W.L.R. 624.

ESTATE CONTRACT

See LAND REGISTRATION.

ESTATE DUTY

See REVENUE.

ESTOPPEL. (*See also* CONTRACT (**Promise inducing**).)

Conduct, by

Act done ultra vires

Statutory authority, by—Whether act can support plea of estoppel—Grant of void lease.
Rhyl Urban District Council v. Rhyl Amusements Ltd., Harman J. [1959] 1 W.L.R. 465.

Agency

Undisclosed principal—Sale of goods later found to be stolen—Action by buyer to recover price of goods—Defence by seller of agency for named principal—Evidence of seller as to identity of principal false—Seller not permitted to set up case of agency for other undisclosed principal. **Hersom v. Bernett,** Roxburgh J. [1955] 1 Q.B. 98; [1954] 3 W.L.R. 737.

Arbitration

One arbitrator not qualified to act under rules adopted—Whether party entitled to set up non-qualification of his own arbitrator to invalidate award.
Oakland Metal Co. Ld. v. D. Benaim & Co. Ld., Parker J. [1953] 2 Q.B. 261; [1953] 3 W.L.R. 475.

Charterparty

Usual and customary route via Suez blocked—Shipowners, knowing Suez blocked, give notice of readiness to load and permit cargo to be loaded—No representation of fact—Equitable estoppel inapplicable.
Société Franco Tunisienne d'Armement v. Sidermar S.P.A., Pearson J. [1960] 3 W.L.R. 701.

Contract

Promise inducing—Unenforceable contract—No detriment to promisee—Whether promise can render enforceable.
Beesly v. Hallwood Estates Ltd., Buckley J. [1960] 1 W.L.R. 549.

Conveyance

Ill-defined boundary—Agreement by adjoining landowners as to position of boundary.
Hopgood v. Brown, C.A. [1955] 1 W.L.R. 213.

Husband and wife

Bigamy—Circumstances fully disclosed to other spouse at marriage.
Bullock v. Bullock, Divl.Ct. [1960] 1 W.L.R. 975.

" Tamquam sororem " marriage agreement—Whether husband estopped from relying on impotence when seeking nullity decree.
Morgan v. Morgan (orse. Ransom), Mr. Com. Latey Q.C., [1959] P. 92; [1959] 2 W.L.R. 487.

Judicial proceedings. See Standing by.

Landlord and tenant. (*See also Notice to quit.*)

Application of doctrine to Rent Act cases. **Stratford v. Syrett,** C.A. [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733.

Encroachment—Tenant's occupation of landlord's adjoining demised premises—Occupation as tenant with acquiescence of landlord—Tenant's liability for repairs in respect of adjoining land. **Perrott (J. F.) & Co. Ltd. v. Cohen,** C.A. [1951] 1 K.B. 705.

Law, representation as to

Cannot found estoppel—Landlord and tenant.
Kai Nam v. Ma Kam Chan, J.C. [1956] A.C. 358; [1956] 2 W.L.R. 767.

Landlord and tenant—Request for new tenancy—Notice of opposition to new tenancy by landlords—Landlords' notice containing statement that tenants' request invalid—Whether landlords estopped in action for possession from asserting validity of request.
Sidney Bolsom Investment Trust Ltd. v. E. Karmios & Co. (London) Ltd. C.A. [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625.

ESTOPPEL—*continued.*

Conduct by (*Law, representation as to*)—*continued.*

Tenancy subject to one month's notice from tenant, two years' notice from landlord—Notice to quit in four weeks given by landlord—Tenant's claim to two years' notice admitted—Notice of increase of rent given—Increased rent paid—Action to recover possession—Whether tenant estopped by payment of increased rent from asserting right to two years' notice—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 3—Rent Restrictions (Notice of Increase) Act, 1923, s. 1 (1).
Wallis v. Semark, C.A. [1951] 2 T.L.R. 222.

Mortgage

Assignment of policy of assurance to mortgagee—Covenant by mortgagor to pay premiums—Premiums in arrears—Mortgagee's agreement to reinstatement of policy—Whether mortgagee estopped from exercising power of sale.
Braithwaite v. Winwood, Cross J. [1960] 1 W.L.R. 1257.

Forgery—Delay in informing mortgagee—Duty of disclosure—Whether mortgagee suffered detriment. **Fung Kai Sun v. Chan Fui Hing,** J.C. [1951] A.C. 489; [1951] 2 T.L.R. 47.

Recital in conveyance that vendors "seised in unencumbered fee simple in possession"—Conveyance subject to lease—Vendors in possession as lessees—Legal charge—Claim for possession by mortgagee—Whether vendors estopped from setting up existence of lease. **District Bank Ltd. v. Webb,** Danckwerts J. [1958] 1 W.L.R. 148.

Statutory power of leasing excluded except with consent of mortgagee—Provision that lessee not to be concerned to see consent given—Grant of tenancy without obtaining consent—Estoppel of mortgagee as against tenant.
Lever Finance Ltd. v. Needleman's Trustee, Harman J. [1956] Ch. 375; [1956] 3 W.L.R. 72.

Motor-car

Car and registration book handed over to professed intending buyer—Subsequent fraudulent sale—Claim for damages by true owner against buyers—Whether true owner estopped—Sale of Goods Act, 1893 (56 & 57 Vict. c. 71), s. 21 (1).
Central Newbury Car Auctions Ltd. v. Unity Finance Ltd. Mercury Motors, Third Parties, C.A. [1957] 1 Q.B. 371; [1956] 3 W.L.R. 1068.

Hire-purchase—Owner of hire-purchase documents signed in blank and given to car dealer—Sale by car dealer to hire-purchase company—Representation by dealer of ownership—Owner privy to representation—Subsequent sale by owner—in whom title resides. **Eastern Distributors Ltd. v. Goldring (Murphy, Third Party),** C.A. [1957] 2 Q.B. 600; [1957] 3 W.L.R. 237.

———— Signature of hire-purchase documents unread—Effect.
Lowe v. Lombank Ltd., C.A. [1960] 1 W.L.R. 196.

Notice to quit

Ambiguity—Bad reason—Agricultural Holdings Act, 1948, s. 24 (1) (2).
Cowan v. Wrayford, C.A. [1953] 1 W.L.R. 1340.

Breach of covenant—Waiver—Tenant's covenant to inhabit farm—Death of tenant—Acquiescence in one trustee only inhabiting farm—Effect.
Lloyds Bank Ld. v. Jones, C.A. [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5.

Patent

Agreement between applicant for letters patent and manufacturer—Sole and exclusive licences to be granted when letters patent sealed—Provision for payment of royalties—Liberty to use inventions pending grant of letters patent—Royalties paid over period—Repudiation of liability to pay royalties—Action for recovery of royalties—Whether defendants estopped from denying liability to pay.
Lyle-Meller v. A. Lewis & Co. (Westminster) Ltd., C.A. [1956] 1 W.L.R. 29.

Standing by judicial proceedings

Rival claims to stool lands—Previous suits between parties' subordinates in same interest—Knowingly standing by—Estopped by conduct from litigating same issue—West Africa (Gold Coast). **Nana Ofori Atta II v. Nana Abu Bonsra II,** J.C. [1958] A.C. 95; [1957] 3 W.L.R. 830.

Town and country planning

Enforcement notice—Form defective—Invalidity—Appeal against notice on other grounds—Whether approbated—Town and Country Planning Act, 1947, ss. 23 (1) (2) (3) (4); 75 (5). **Swallow and Pearson v. Middlesex County Council,** Parker J. [1953] 1 W.L.R. 422.

Ultra vires act. See Act.

Deed by

Non est factum

Fraud or duress—No false statement.
Hasham v. Zenab, J.C. [1960] A.C. 316; [1960] 2 W.L.R. 374.

Per rem judicatam. (*See also* NEMO DEBET BIS VEXARE.)

Arbitration

Right to submit "any dispute" arising out of contract—Separate arbitrations on different disputes—Two awards—Final award binding.
H. E. Daniels Ld. v. Carmel Exporters and Importers Ld., Parker J. [1953] 2 Q.B. 242; [1953] 3 W.L.R. 216.

ESTOPPEL—*continued.*

Per rem judicatam—*continued.*

Bankruptcy

Inquiry as to debtor's dealings—Summons against solicitor—Proceedings for an account against bankrupt's former solicitor—Failure by solicitor to furnish information concerning certain property transactions—No order made in the proceedings—Subsequent issue of summons by trustee under Bankruptcy Act, 1914—Whether matter res judicata.
In re **A Debtor (No. 472 of 1950).** *Ex parte* **Swirsky,** C.A. [1958] 1 W.L.R. 283.

Charitable trust

Intervening tenancy for life—Order for inquiry into practicability "now or . . . at any "future time"—Whether question of date res judicata.
In re **Wright,** Roxburgh J. [1954] Ch. 347; [1954] 2 W.L.R. 481.

Company

Winding up—Summons by liquidators for leave to make interim distribution—Decision that part of proof should be rejected—Subsequent decision that creditors entitled to claim from liquidators on other grounds—Effect of previous decision.
In re **United Railways of the Havana and Regla Warehouses Ltd.,** H.L.(E.) [1960] Ch. 52; [1960] 2 W.L.R. 969.

Divorce. (*See also Husband and wife.*)

Condonation—Obiter finding.
Sanders v. Sanders, Divl.Ct. [1952] W.N. 460; [1952] 2 T.L.R. 564; [1952] 2 All E.R. 767.

Desertion plea after cruelty suit—Cross-allegations on ground of cruelty dismissed—Subsequent cross-allegations on ground of desertion—Application to strike out.
Dixon v. Dixon, Davies J. [1953] P. 103; [1953] 2 W.L.R. 748.

———— Dismissal of previous charge of cruelty on similar facts.
Cooper v. Cooper (No. 2), Divl.Ct. [1955] P. 168; [1954] 3 W.L.R. 923.

———— Previous cruelty petition dismissed—Charges held trivial—Similar allegations raised as defence to petition for desertion.
Hill v. Hill, Davies J. [1954] P. 291; [1954] 2 W.L.R. 473.

———— Previous nullity proceedings by husband—Dismissal of wife's charges of cruelty in previous proceedings—Wife's answer to husband's petition alleges constructive desertion—Whether wife estopped from repeating cruelty allegations.
Fisher v. Fisher, C.A. [1960] P. 36; [1959] 3 W.L.R. 471.

Discretion previously exercised—Petition for divorce on the ground of adultery and desertion dismissed in exercise of court's discretion—Contents of the petition "sufficiently proved"—Whether parties estopped in subsequent suit for divorce from repeating and denying same charges.
Bernard v. Bernard, Barnard J. [1958] 1 W.L.R. 1275.

Maintenance proceedings previously—Petition by husband alleging perjury by wife in previous maintenance proceedings—Dismissal of wife's charge of cruelty in maintenance proceedings—Wife repeating charge of cruelty against husband in answer to his petition in divorce—Application to strike out allegations of cruelty—No estoppel binding the court in divorce jurisdiction.
Thompson v. Thompson, C.A. [1957] P. 19; [1957] 2 W.L.R. 138.

Paternity—Decree on ground of adultery—Paternity "not admitted"—Whether res judicata. **Watson v. Watson,** Barnard J. [1954] P. 48; [1953] 3 W.L.R. 708.

Husband and wife. (*See also Divorce.*)

Custody—Whether spouse estopped in custody proceedings from making allegations which could have been made at hearing of suit for divorce.
Hull v. Hull, Sachs J. [1960] P. 118; [1960] 2 W.L.R. 627.

Maintenance—Desertion—Dismissal of previous charge of cruelty on similar facts.
Foster v. Foster, Divl.Ct. [1954] P. 67; [1953] 3 W.L.R. 623

———— Justices—Adultery by wife—Discharge of order—Evidence of association before order—Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Roberts v. Roberts, Divl.Ct. [1954] P. 472; [1953] 3 W.L.R. 863

———— Quantum—Attachment of earnings order—Subsequent proceedings.
Pepper v. Pepper, Probate [1960] 1 W.L.R. 131.

———— Variation of order—Whether husband estopped from challenging original order. **Harris v. Harris,** Divl.Ct. [1952] W.N. 83; [1952] 1 T.L.R. 429; [1952] 1 All E.R. 401.

Marriage—Capacity—Previous probate action—Party sued as widow.
In the Estate of Park, decd., Karminski J. [1954] P. 89; [1953] 3 W.L.R. 307; C.A. [1953] 3 W.L.R. 1012

Paternity. **Nokes v. Nokes,** Barnard J. [1957] 2 W.L.R. 493. C.A. [1957] P. 213; [1957] 3 W.L.R. 90.

Income tax

Charity—Fund for benefit of employees of company—Consent orders (with acquiescence of Attorney-General) involving scheme—Subsequent claim for charitable exemption from income tax opposed by Crown.
Vernon v. Inland Revenue Comrs., Upjohn J. [1956] 1 W.L.R. 1169.

ESTOPPEL—*continued.*

Per rem judicatam—*continued.*

Landlord and tenant

Abandonment of claim for possession based on trespass in county court—Landlord's election to rely on claim under Rent Acts—Dismissal of claim—Defendants held not contractual or statutory tenants—Proceedings for possession in High Court based on trespass—Whether landlord estopped from asserting trespass.
Rosenfeld v. Newman, Parker J. [1953] 1 W.L.R. 558;
C.A. [1953] 1 W.L.R. 1135.

Negligence

High Court Action—Claim and counterclaim for damages for negligence—Action in county court on same facts against both parties—County court action begun after issue of writ in High Court action—Contribution assessed by county court judge without objection although no contribution notice served—Whether parties bound by county court assessment of blame. **Bell v. Holmes,** McNair J. [1956] 1 W.L.R. 1359.

Order for inquiry

No final determination of rights—Principle of res judicata by implication not applicable.
In re **Wright,** C.A. [1954] Ch. 347; [1954] 2 W.L.R. 972.

Rating

Local valuation court—Decision in 1951 that society be entered on current valuation list as exempt from rates under Scientific Societies Act, 1843—Same question arising in 1956—Local Government Act, 1948, ss. 40, 41, 44, 48—Scientific Societies Act, 1843, s. 1.
Society of Medical Officers of Health v. Hope, C.A. [1959] 1 Q.B. 462;
[1959] 2 W.L.R. 377.
H.L.(E.) [1960] A.C. 551; [1960] 2 W.L.R. 404.

Statutory tribunal

Jurisdiction to determine own jurisdiction.
Heptulla Brothers Ltd. v. Thakore, J.C. [1956] 1 W.L.R. 289.

EVIDENCE. (*See also* CRIME.)

Admission. (*See also* **Denial.**)

Infant, by

Admissions by infants before proceedings—Admissibility—Divorce.
Alderman v. Alderman and Dunn, Sachs J. [1958] 1 W.L.R. 177.

Affidavit, by

Deponent out of the jurisdiction

Notice requiring production of deponent for cross-examination—R.S.C., Ord. 38, r. 28
In re **Lucas,** Roxburgh J. [1952] W.N. 25; [1952] 1 T.L.R. 11; [1952] 1 All E.R. 102.

Hearsay

Scandalous hearsay allegations—Admissibility on application to suspend mother's access to child—R.S.C., Ord. 38, rr. 3, 11. **Rossage v. Rossage,** C.A. [1960] 1 W.L.R. 249.

Ward of court—Statement of information and belief—Whether admissible in application to take ward out of jurisdiction—R.S.C., Ord. 38, rr. 3, 11.
In re **J. (an infant),** Cross J. [1960] 1 W.L.R. 253.

Birth

Proof of entry of birth

Matrimonial Causes Rules, 1950, r. 25 (1) (*c*).
Practice Direction (Evidence), Probate [1956] 1 W.L.R. 1500.

Construction of documents. (*See also* **Document, to vary**; CONTRACT; WILL.)

Extrinsic evidence

Meaning of words—Technical terms.
Baldwin & Francis Ltd. v. Patents Appeal Tribunal, H.L.(E.) [1959] A.C. 663;
[1959] 2 W.L.R. 826.
C.A. [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010.

Conviction. (*See also* CRIME.)

Effect of proof of

Inference in matrimonial causes from fact of conviction.
Ingram v. Ingram, Sachs J. [1956] P. 390; [1956] 2 W.L.R. 782.

Corroboration. *See* BASTARDY; CRIME.

Court of Appeal. *See* **Fresh evidence**; COURT OF APPEAL.

Criminal law. *See* CRIME.

Cross-examination. (*See also* JUDGE (**Conduct of**).)

Material unproved, on

Discretion of advocate. **Fox v. General Medical Council,** J.C. [1960] 1 W.L.R. 1017.

Privileged statement

Previous signed statement made by witness—Witness cross-examined on parts of statement—Witness not contradicting parts of statement put to him—Whether privilege waived by cross-examination. **Burnell v. British Transport Commission,**
C.A. [1956] 1 Q.B. 187; [1956] 2 W.L.R. 61.

Deceased's statement

Bankrupt

Statement of affairs—Whether admissible—Whether a "deposition"—Bankruptcy Act, 1914, s. 141. *In re* **Browne (A Bankrupt),** Cross J. [1960] 1 W.L.R. 692.

EVIDENCE—*continued.*

Denial. (*See also* **Subsequent conduct.**)

Prior denial of charge to friend

Whether admissible—Recent invention alleged.
Fox v. General Medical Council, J.C. [1960] 1 W.L.R. 1017.

Divorce. *See* HUSBAND AND WIFE.

Document, to vary. (*See also* **Construction of documents.**)

Consideration

Assignment of debt—Small consideration stated in deed—Parol evidence of proof of larger consideration—Admissibility.
Turner v. Forwood, C.A. [1951] W.N. 189; [1951] 1 All E.R. 746.

Notice

Request for new tenancy in prescribed statutory form—Bona fide mistake in request—Whether parol evidence admissible to prove mistake—Request formal document with specific legal consequences—Landlord and Tenant Act, 1954.
Sidney Bolsom Investment Trust Ltd. v. E. Karmios & Co. (London) Ltd., C.A. [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625.

Documentary. (*See also* **Birth; Deceased's statement; Evidence Act.**)

Production from proper custody

Mental deficiency—Detention order.
Director of Public Prosecutions v. Head, C.C.A. [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862.
H.L.(E.) [1959] A.C. 83; [1958] 2 W.L.R. 617.

Dominion law

Practice

Desirability of expert evidence—Evidence (Colonial Statutes) Act, 1907, s. 1.
Reg. v. Governor of Brixton Prison. *Ex parte* **Shuter,** Divl.Ct. [1960] 2 Q.B. 89; [1959] 3 W.L.R. 603.

Estoppel. *See* ESTOPPEL.

Evidence Act, 1938

Lost document

Motor-car—Collision—Written statement signed by plaintiff shortly after the accident—Copy made by police sergeant—Original lost—Death of plaintiff before trial of his action for damages—Copy inadmissible in evidence—Evidence Act, 1938, s. 1 (1) (2) and (3). **Bowskill v. Dawson,** Devlin J. [1954] 1 Q.B. 288; [1953] 3 W.L.R. 969.

"*Person interested*"

Action for personal injuries—Claim by employee against employer—Documentary statement made by another employee now deceased—Whether a "person interested"—Evidence Act, 1938, s. 1 (1) and (3).
Kelleher v. T. Wall & Sons Ltd., Barry J. [1958] 2 Q.B. 346; [1958] 3 W.L.R. 236.

———————— Written statement made by witness at time of accident—Witness employed by defendants when statement made—Not in defendants' employment when statement signed—Inadmissible in re-examination to vary witness's oral evidence—"Person interested"—Evidence Act, 1938, s. 1 (1) and (3).
Cartwright v. W. Richardson & Co. Ld., Barry J. [1955] 1 W.L.R. 340.

Divorce—Admissibility of signed statement of witness overseas—"Person interested"—Husband alleged to have lain on bed with nursemaid with trousers undone—No allegation of adultery—Nurse not "interested"—Evidence Act, 1938, s. 1.
Galler v. Galler, Barnard J. [1955] 1 W.L.R. 400.

Document—Document dictated to solicitor's typist and amended personally—"Person "interested"—Note as to matters relevant to execution of will—Solicitor then acting for executor—Solicitor responsible for preparation and execution of will—Possible reflection on reputation in event of contest—Not a "person interested"—Evidence Act, 1938, s. 1 (3) (4).
In the Estate of Powe, decd., Sachs J. [1956] P. 110; [1955] 3 W.L.R. 767.

"*Proceedings . . . anticipated*"

Form filled in by injured workman to support claim for workmen's compensation—Subsequent withdrawal of claim against employers—Action against defendants—Death of workman—Whether proceedings "anticipated"—Admissibility of form in subsequent action for damages for negligence—Evidence Act, 1938, ss. 1 (1) (3), 2 (1).
Jarman v. Lambert & Cooke Contractors Ltd., C.A. [1951] 2 K.B. 937; [1951] 2 T.L.R. 117; [1951] 2 All E.R. 255.

Public document

Essential requirements—Admissibility—Continuous record—(Cyprus) Evidence Act, 1946 (Law 14 of 1946), s. 4—(British) Evidence Act, 1938, s. 1 (1) (i) (*b*).
Thrasyvoulos Ioannou v. Papa Christoforos Demetriou, J.C. [1951] 2 T.L.R. 1177.

Nature—"Continuous record"—Evidence Act, 1938, ss. 1, 6 (2).
Ioannou v. Demetriou, J.C. [1952] A.C. 84; [1952] 2 T.L.R. 1177; [1952] 1 All E.R. 179.

Shipping

Collision—Log-book—Admissibility in evidence.
Practice Note (Evidence: Ship's Log), Willmer J. [1953] 1 W.L.R. 262.

EVIDENCE—*continued.*

Evidence Act, 1938—*continued.*

Witness beyond the seas

Statement made in a document—Possibility of examination before trial—Evidence Act, 1938, ss. 1 (1) (5), 2.
Ozzard-Low v. Ozzard-Low and Wonham, Davies J. [1953] P. 272; [1953] 3 W.L.R. 374.

Examiner

Divorce

Husband respondent resident in Cyprus—Application for his evidence to be taken before special examiner there.
Ammar v. Ammar, Sachs J. [1954] P. 468; [1954] 3 W.L.R. 41.

Libel and slander

Examination of plaintiff on medical grounds—Risk to life of attending trial.
Donn v. Feinstein (Practice Note), Slade J. [1956] 1 W.L.R. 478.

Report

Opinion as to credibility of witness.
In re **Wipperman, decd.,** Pearce J. [1955] P. 59; [1953] 2 W.L.R. 706.

Failure of party charged to give evidence. (*See also* **Witness**.)

Effect

Whether adverse to party charged—Adultery. **Poyser v. Poyser** C.A. [1952] W.N. 525; [1952] 2 All E.R. 949.

Family provision. *See* FAMILY PROVISION (**Widow**).

Foreign law. *See also* **Dominion law.**

Burden of proof

Affidavit agreeing with United States court on point not in issue.
Callwood v. Callwood, J.C. [1960] A.C. 659; [1960] 2 W.L.R. 705.

Construction of document

Admissibility of evidence of foreign lawyer.
Camille and Henry Dreyfus Foundation Inc. v. Inland Revenue Comrs., C.A. [1954] Ch. 672; [1954] 3 W.L.R. 167.

Documentary evidence

No witnesses—Decision by judge on foreign enactments.
F. & K. Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Expert

Competency of experienced layman—"Specially skilled"—"To the best of my knowledge." **Ajami v. Comptroller of Customs,** J.C. [1954] 1 W.L.R. 1405.

Foreign tribunal, for

Jurisdiction of English court

Civil action in United States court—Request for examination of witnesses within jurisdiction of English court—Request for production of documents—Distinction between oral examination of witnesses and production of documents—Discovery against persons not parties to foreign suit—"Testimony"—Power of court to make order in respect of material directly relevant to matters in issue in foreign court—Power of court to make order in respect of indirect material for the purposes of discovery—Foreign Tribunals Evidence Act, 1856, s. 1. **Radio Corporation of America v. Rauland Corporation,** Barry J. [1956] 2 W.L.R. 281.
Divl.Ct. [1956] 1 Q.B. 618; [1956] 2 W.L.R. 612.

Fresh evidence. (*See also* CRIME (**Appeal; Court of Criminal Appeal**); HUSBAND AND WIFE (**Divorce**).)

County court

Application for new trial—Principles applicable—County Court Rules, 1936, Ord. 37, r. 5 (1). **Devenish v. P.D.I. Homes (Hythe) Ltd.,** C.A. [1959] 1 W.L.R. 1188.

Court of Appeal

Agreed medical report in court below—Change of opinion by doctor—Evidence to modify medical report. **Pursell v. Railway Executive,** C.A. [1951] 1 All E.R. 536.

Divorce—Principles applicable. **Andrew v. Andrew,** J.C. [1953] 1 W.L.R. 1453.
Corbett v. Corbett, C.A. [1953] P. 205; [1953] 2 W.L.R. 1124.

Interlocutory matter—Affidavit evidence—Discretion of court.
Krakauer v. Katz, C.A. [1954] 1 W.L.R. 278.
Nizam of Hyderabad v. Jung, C.A. [1957] Ch. 185; [1957] 2 W.L.R. 217.

Police witnesses—Facts as to witnesses' credit made public after original trial—Whether fresh evidence relevant to issue. **Ali v. Ellmore,** C.A. [1953] 1 W.L.R. 1300.

Will—Trustees' duty—Application by defendants to call further evidence—Duty of plaintiff trustees to make available all material information.
In re **Herwin,** C.A. [1953] Ch. 701; [1953] 3 W.L.R. 530.

Witness brought to court by prison warder not in uniform—Fact of imprisonment of witness unknown to judge and defendants—Application to recall witness.
Tombling v. Universal Bulb Co. Ltd., C.A. [1951] W.N. 247; [1951] 2 T.L.R. 289.

Witness confessed liar. **Ladd v. Marshall,** C.A. [1954] 1 W.L.R. 1489.

EVIDENCE—*continued.*

Fresh evidence—*continued.*

Industrial injury

Further report of surgeon on claimant's injury—Whether "fresh evidence"—National Insurance (Industrial Injuries) Act, 1946, s. 40 (1).
Reg. v. Medical Appeal Tribunal. *Ex parte* **Hubble,** Divl.Ct. [1958] 2 Q.B. 228; [1958] 3 W.L.R. 24.
C.A. [1959] 2 Q.B. 408; [1959] 3 W.L.R. 456.

New trial. (*See also* **Libel.**)

Onus of proof—Wrong direction—No substantial injustice.
Letchumanan Chettiar v. Sadayappa Chettiar, J.C. [1953] 1 W.L.R. 269.

Hearsay. (*See also* **Affidavit; Res gestae.**)

Admissible to show fact that statement was made

Criminal law—Charge of carrying ammunition—Defence of duress—Hearsay evidence wrongly excluded—Implication from exclusion—Federation of Malaya Emergency Regulations, 1951 (as amended by L.N. 363/1-7-52), reg. 4 (1) (*b*)—Penal Code (Laws of the Federated Malay States, c. 45), s. 94.
Subramaniam v. Public Prosecutor, J.C. [1956] 1 W.L.R. 965.

Incriminating question

Adultery

Whether question as to adultery of witness incriminating—Matrimonial Causes Act, 1950, s. 32 (3). **Lewis v. Lewis,** C.A. [1958] P. 193; [1958] 2 W.L.R. 747.

Intention

Subsequent conduct

Advancement—Shares registered by father in names of his children—Children unaware of nature of transaction until father's death—Admissibility in evidence of subsequent conduct of father. **Shephard v. Cartwright,** Harman J. [1953] 1 W.L.R. 460;
C.A. [1953] Ch. 728; [1953] 3 W.L.R. 378;
H.L.(E.) [1955] A.C. 431; [1954] 3 W.L.R. 967.

Judicial notice

Object

Judicial notice that costermonger's barrow moves.
Kahn v. Newberry, Divl.Ct. [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650.

Legitimacy. See LEGITIMACY.

Libel and slander

Identification of plaintiff with person defamed

Article in newspaper alleged to be fiction—Statements made at public meetings—Anonymous telephone messages to plaintiff—Admissibility to prove plaintiff identified with fictitious character. **Jozwiak v. Sadek,** Ormerod J. [1954] 1 W.L.R. 275.

New trial

Application to appellate court to adduce further evidence to secure retrial—Principles applicable—Australia. **Leeder v. Ellis,** J.C. [1953] A.C. 52; [1952] 2 T.L.R. 577; [1952] 2 All E.R. 814.

Minister, by

Certificate

Whether Ministry considers restriction reasonable—Appropriate evidence—Ministries of Northern Ireland Act (Northern Ireland), 1921, s. 3 (1).
Belfast Corpn. v. O. D. Cars Ltd., H.L.(N.I.) [1960] A.C. 490; [1960] 2 W.L.R. 148.

Oath

Sikh

Oath impracticable—Affirmation—Whether lawfully sworn—Oaths Act, 1888, s. 1—Perjury Act, 1911, ss. 1 (1), 15.
Reg. v. Pritam Singh, Mr. Commr. Wrangham [1958] 1 W.L.R. 143.

Omnia praesumuntur rite esse acta. See OMNIA, ETC.

Paternity. *See* LEGITIMACY.

Privilege. (*See also* **Cross-examination**; CROWN; PRACTICE **(Discovery)**.)

Divorce

Probation officer—Attempt towards reconciliation—Husband's reply to officer's letter—Whether privileged. **Mole v. Mole,** C.A. [1951] P. 21; [1950] 2 All E.R. 328.

Reconciliation—Meeting to explore possibility—Occasion privileged.
Pool v. Pool, Havers J. [1951] P. 470; [1951] 2 T.L.R. 662; [1951] 2 All E.R. 563.

Statements of party to self-appointed conciliator.
Henley v. Henley (Bligh cited), Sachs J. [1955] P. 202; [1955] 2 W.L.R. 851.

Justices' clerk

Note of evidence in other proceedings.
McKinley v. McKinley, Wrangham J. [1960] 1 W.L.R. 120.

Profit margin

Desirability of accounts

Restrictive trade practice. *In re* **Water-Tube Boilermakers' Agreement,** R.P.Ct., L.R. 1 R.P. 285; [1959] 1 W.L.R. 1118.

EVIDENCE—*continued.*

Res gestae. (*See also* **Hearsay.**)

Paternity. See LEGITIMACY.

Personal injury

Workman's fall into acid bath—Widow's claim against employers—Statement concerning cause of fall made by workman shortly after being rescued—Admissible as part of the res gestae. **Davies v. Fortior Ltd.**, Donovan J. [1952] W.N. 291; [1952] 1 All E.R. 1359.

Restrictive practice. *See* RESTRICTIVE PRACTICE.

Subsequent conduct. (*See also* **Denial.**)

Adultery

Evidence of telephone conversation with doctor tending to establish innocence—Whether admissible. **Corke v. Corke and Cook,** C.A. [1958] P. 93; [1958] 2 W.L.R. 110.

Tribunal, statutory

Evidence by member

Workmen's action against employers—Doctor member of medical board as witness—Evidence as to reason for board's findings—Admissibility.
Ward v. Shell-Mex & B.P. Ltd., Streatfeild J. [1952] 1 K.B. 280; [1951] 2 T.L.R. 976; [1951] 2 All E.R. 904.

View by judge. (*See also* CRIME.)

Absence of plaintiff

View of premises by judge—Negligence alleged by workman against employers—Purported demonstration of operation which caused accident—Absence of workman—New trial.
Goold v. Evans & Co., C.A. [1951] 2 T.L.R. 1189.

Value as evidence

Injury to plaintiff while cleaning machine—Action against employers for personal injuries—Demonstration on machine by plaintiff how accident occurred—Evidence for plaintiff that cleaning method dangerous—No evidence for defendants—Finding by judge that accident due to plaintiff's own carelessness—Right of judge to rely on own impressions formed at view—County Court Rules, Ord. 23, r. 14.
Buckingham v. Daily News Ltd., C.A. [1956] 2 Q.B. 534; [1956] 3 W.L.R. 375.

Will. *See* **Fresh evidence**; WILL (**Construction**).

Witness. (*See also* **Failure to give evidence.**)

Recall

Official Referee—Report by Official Referee ordered by judge—Evidence given at trial by defendant—Jurisdiction of Official Referee to recall defendant—R.S.C., Ord. 36A, rr. 2, 7, 9. **Fallon v. Calvert,** C.A. [1960] 2 Q.B. 201; [1960] 2 W.L.R. 346.

Witness not called

Comment—Offer at close of case to call witness—Impropriety.
Practice Note, Hilbery J. [1952] W.N. 532.

EX TURPI CAUSA NON ORITUR ACTIO. *See* CONTRACT (**Illegality**); FRAUD (**Fraud to court**); STATUTORY DUTY (**Breach: contributory negligence**).

EXCHANGE CONTROL

Bankruptcy

Judgment debt

Creditor resident outside "scheduled territories"—Debtor resident in United Kingdom—Rule of court prescribing payment of debt into court—Validity—Payment into court not made—Bankruptcy notice—Validity—Exchange Control Act, 1947, ss. 5, 33, Sch. IV, para. 3—Rules of the Supreme Court, Ord. 42, r. 1 (2)—Exchange Control (Bankruptcy Notices) Order, 1949.
In re **A Debtor.** *Ex parte* **The Debtor v. Liguori,** C.A. [1951] Ch. 95.

Devaluation

Foreign debt

Devaluation of the pound before Treasury consent to transfer of dollars obtained—Effect on debt in sterling—Exchange Control Act, 1947, s. 33 (1).
Cummings v. London Bullion Co. Ltd., Slade J. [1951] W.N. 102.
C.A. [1952] 1 K.B. 327; [1952] 1 T.L.R. 385; [1952] 1 All E.R. 383.

Export

Prohibition of export of notes of foreign legal tender

Whether notes legal tender—Expert evidence on foreign law—Competence of experienced bank manager—Exchange Control Ordinance. No. 35 of 1950 (Nigeria) s. 22 (1).
Ajami v. Comptroller of Customs, J.C. [1954] 1 W.L.R. 1405.

Proceedings for debt not payable without Treasury permission

Implied term of contract

Bill of exchange—Payment outside United Kingdom—Holders of bills resident outside scheduled territories—Treasury consent to payment of bills not obtained—Action on bills in England by holders—Right of foreign creditor to payment—Exchange Control Act, 1947, ss. 6 (1), 33 (1), proviso, Sch. 4, para. 4.
Barbey v. Contract and Trading Co. (Southern) Ltd., C.A. [1959] 2 Q.B. 157; [1959] 2 W.L.R. 568.
H.L.(E.) [1960] A.C. 244; [1960] 2 W.L.R. 15.

EXECUTION. (*See also* ASSIGNMENT (**Legal:** *Debt*); BANKRUPTCY.)

Attachment. *See* CONTEMPT OF COURT; HUSBAND AND WIFE (**Maintenance**); PRACTICE (**Garnishee**).

Charging order nisi

Death of judgment debtor before order made absolute

Effect—Judgments Act, 1838, s. 15.
Scott v. Scott, Barnard J. [1952] W.N. 522; [1952] 2 T.L.R. 786; [1952] 2 All E.R. 890.

Committal. *See* CONTEMPT OF COURT; DEBT; HUSBAND AND WIFE (**Justices; Maintenance**).

Examiner. *See* DEBT.

Garnishee. *See* PRACTICE.

Sale by bailiff

Title of purchaser

Motor-vehicle—Auction sale under court order—Previous registered chattels mortgage—Notice—Title of purchaser as against mortgagee—Chattels Transfer Ordinance (Laws of Kenya, 1948, c. 281), ss. 4, 13 (2)—Bankruptcy Ordinance (Laws of Kenya, 1948, c. 30), s. 45 (3)—Bankruptcy and Deeds of Arrangement Act, 1913 (3 & 4 Geo. 5, c. 34), s. 15. **Dyal Singh v. Kenyan Insurance Ld.,** J.C. [1954] A.C. 287; [1954] 2 W.L.R. 607.

Sale under fieri facias

Title transferred

Sale of land subject to equitable mortgage.
Ghana Commercial Bank v. Chandiram, J.C. [1960] A.C. 732; [1960] 3 W.L.R. 328.

Sequestration. *See* BANKRUPTCY; SEQUESTRATION.

Sheriff

Sale by

Powers of sale—Whether power to sell goods on land of debtor—What constitutes seizure—Excessive execution. **Watson v. Murray & Co.,** Hilbery J. [1955] 2 Q.B. 1; [1955] 2 W.L.R. 349.

Title of purchaser—Sheriff's seizure of plaintiff's vessel in possession of execution debtor—Sale of vessel by sheriff, without claim having been made to it—Title of purchaser—Bankruptcy and Deeds of Arrangement Act, 1913, s. 15.
Curtis v. Maloney, C.A. [1951] 1 K.B. 736; 66 T.L.R. (Pt. 2) 869; [1950] 2 All E.R. 982.

Summons for protection

Seizure of caravan—Plaintiff inside—Claim to caravan by third party—Claim admitted by judgment creditor—Notice of admission given by sheriff's officer—Withdrawal of sheriff—Action in trespass—R.S.C., Ord. 57, r. 16A.
Cave v. Capel, Ormerod J. [1954] 1 W.L.R. 1185; C.A. [1954] 1 Q.B. 367; [1954] 2 W.L.R. 325.

Writ of possession

Application for leave to issue—Rent Act information—R.S.C., Ord. 47, r. 1.
Practice Direction, Q.B.D. [1955] 1 W.L.R. 1314.

Eviction of subtenant protected by Rent Acts—Claim by subtenant for wrongful eviction—Whether sheriff's officer landlord's agent—R.S.C., Ord. 47, r. 1.
Barclays Bank Ld. v. Roberts, C.A. [1954] 1 W.L.R. 1212

Trust for sale

Judgment creditor

Property held by debtor and wife on trust for sale as tenants in common—Creditor not entitled to order for sale—Law of Property Act, 1925, ss. 30, 195, 205 (x)—Land Charges Act, 1925, ss. 6, 20.
Stevens v. Hutchinson, Upjohn J. [1953] Ch. 299; [1953] 2 W.L.R. 545.

EXECUTOR AND ADMINISTRATOR

Administrator. (*See also* ADMINISTRATION OF ESTATES; PROBATE.)

Administration bond

Will—Cesser of liability—Estate wound up and residue in hands of administrator—Failure of administrator to pay residue to residuary legatee—"Well and truly "administer"—Meaning—Infant—Executor and residuary legatee—Grant of administration during minority—Date of termination of administration—Administration of Estates Act, 1925, s. 42—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 160 (1), 165, 167.
Harvell v. Foster, Lord Goddard C.J. [1954] 1 Q.B. 591; [1954] 2 W.L.R. 642; C.A. [1954] 2 Q.B. 367; [1954] 3 W.L.R. 351.

Administrator pendente lite

Duty to release documents—Bank appointed administrator pendente lite—Possession of documents relating to estate—Compromise agreement—Renunciation of probate by bank—Demand by newly appointed administrators for possession of documents—Bank's refusal to deliver up documents except against formal release—Obligation on bank to give possession unconditionally—Administration of Estates Act, 1925, ss. 5 and 7. **Tiger v. Barclays Bank Ltd.,** Finnemore J. [1951] 2 K.B. 556; [1951] 2 T.L.R. 102; [1951] 2 All E.R. 262.

EXECUTOR AND ADMINISTRATOR—*continued.*

Administrator—*continued.*

Grant de bonis non. (*See also* PROBATE.)

Bona vacantia—Partial intestacy—No claim by next-of-kin—Balance of estate transferred by executor to Treasury Solicitor—Subsequent grant of administration de bonis non to niece of testator—Claim by administratrix to balance of estate—Administratrix not able to give good discharge—Trustee Act, 1925, s. 27.
In re **Aldhous,** Danckwerts J. [1955] 1 W.L.R. 459.

Position before probate. See EXECUTOR.

Revocation of grant. See PROBATE.

Solicitor

Remuneration—Insolvent estate—Court's discretion to allow costs—Exceptional circumstances. *In re* **Worthington, decd.,** Upjohn J. [1954] 1 W.L.R. 526.

Trust corporation

Remuneration—Inherent jurisdiction of court—Trustee Act, 1925, s. 42.
In re **Masters, decd.,** Danckwerts J. [1953] 1 W.L.R. 81.

Trustee

Completion of administration—Whether administrators trustees of will with power to appoint new trustees—Trustee Act, 1925, s. 36.
In re **Cockburn's Will Trusts,** Danckwerts J. [1957] Ch. 438; [1957] 3 W.L.R. 212.

Bank as

Profit from trust

Deposit of trust money with itself.
In re **Waterman's Will Trusts,** Harman J. [1952] W.N. 538; [1952] 2 T.L.R. 877; [1952] 2 All E.R. 1054.

Bank—Bank appointed as executor and trustee by codicil—No charging clause—Bank entitled to charge.
In the Estate of Campbell, decd., Wallington J. [1954] 1 W.L.R. 516.

Executor

Charitable bequest

Executors not appointed trustees—Subsequent directions to "my trustees"—Whether executors also trustees. *In re* **Robinson, decd.,** Vaisey J. [1951] Ch. 198; [1951] 1 T.L.R. 132; [1950] 2 All E.R. 1148.

"*Conveyance*"

Lease—Disclaimer—Denial of landlord's title in defence of one of two personal representatives—Denial in defence not a "disclaimer"—Administration of Estates Act, 1925, ss. 2 (2), 55.
Warner v. Sampson, Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212.

Position before probate. (*See also* ADMINISTRATION (**Time when**); PROBATE (**Probate judge**).)

Rent restriction—Death of contractual tenant—Widow named as executrix of valid will—Death of widow without proving will—Whether tenant died "intestate"—Right of adopted daughter to remain in possession—Admissibility of evidence of unproved will—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Administration of Estates Act, 1925, s. 5.
Whitmore v. Lambert, C.A. [1955] 1 W.L.R. 495.

Title dates back to will. **Biles v. Caesar,** C.A. [1957] 1 W.L.R. 156.

Remuneration. See **Bank.**

Revocation of grant. See PROBATE.

Trust corporation

Pending dissolution—Bank named as executor in will—Probate action commenced by bank—Subsequent amalgamation with another bank—Whether first bank entitled to continue action or act as executor after transfer date.
In the Estate of Skinner, decd., Sachs J. [1958] 1 W.L.R. 1043.

Fatal accident. *See* FATAL ACCIDENTS ACTS.

EXPRESSIO UNIUS EXCLUSIO ALTERIUS. *See* CONTRACT (**Construction**); STATUTE (**Construction**).

EXTRADITION. (*See also* FUGITIVE OFFENDER.)

Appeal. *See* COURT OF APPEAL.

[1958] 3 W.L.R. 559.

Final judgment in default

Conviction and sentence in absence of alleged fugitive criminal

Whether "conviction for contumacy"—Extradition Act, 1870, ss. 10, 26—Treaty of 1876 between England and France [Order in Council dated May 16, 1878], art. VII (*c*).
Reg. v. Governor of Brixton Prison. *Ex parte* **Caborn-Waterfield,** Divl.Ct. [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792.

EXTRADITION—*continued.*

Foreign proceedings offending English justice

Whether relevant

Judgment in absence of fugitive.
Reg. v. Governor of Brixton Prison. *Ex parte* **Caborn-Waterfield,** Divl.Ct. [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792.

Habeas corpus

Right of requisitioning government to appear

R.S.C., Ord. 59, r. 17.
Reg. v. Governor of Brixton Prison. *Ex parte* **Minervini,** Divl.Ct. [1959] 1 Q.B. 155;

Offence committed on board ship

Jurisdiction of magistrate

No proof of ship's position at time of offence—Whether ship "territory" of contracting power—Extradition Act, 1870, s. 25—Order in Council dated September 30, 1873, arts. 1, 2.
Reg. v. Governor of Brixton Prison. *Ex parte* **Minervini,** Divl.Ct. [1959] 1 Q.B. 155; [1958] 3 W.L.R. 559.

Offence of a political character

Jurisdiction of magistrate

Jurisdiction to review decision of magistrate—Offences committed to escape from political tyranny—Extradition Act, 1870, ss. 3 (1), 9—Poland (Extradition) Order in Council, 1934. **Regina v. Governor of Brixton Prison.** *Ex parte* **Kolczynski,** Divl.Ct. [1955] 1 Q.B. 540; [1955] 2 W.L.R. 116.

FACT OR LAW

Attempt

Indecency

Attempt to procure act of gross indecency—Criminal intention—Overt acts—Surrounding circumstances. **Regina v. Miskell,** C.-M.A.C. [1954] 1 W.L.R. 438.

Contract

Frustration

Finding by jury or arbitrator regarding commercial or fundamental difference.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., Diplock J. [1959] 2 W.L.R. 179.
Albert D. Gaon & Co. v. Société Interprofessionelle des Oléagineux Fluides Alimentaires: Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., C.A. [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869.

Period of delay—Arbitration. **Universal Cargo Carriers Corporation v. Citati,** Devlin J. [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713. C.A. [1957] 1 W.L.R. 979.

Damage, remoteness of

Contract, breach of

Devaluation—Shipping—Failure of charterers to pay freight on stipulated date in London—Breach of charterparty—Devaluation of pound sterling before permission to send money to owner in Turkey obtained—Owner's claim for loss caused by devaluation—Remoteness of damage—Functions of judge and jury in determining whether damages recoverable. **Mehmet Dogan Bey v. G. G. Abdeni & Co. Ltd.,** McNair J. [1951] 2 K.B. 405; [1951] 2 T.L.R. 30; [1951] 2 All E.R. 162.

Degree, question of

Statutory duty

Whether "danger . . . likely to arise."
Cade v. British Transport Commission, C.A. [1959] A.C. 256; [1957] 1 W.L.R. 947. H.L.(E.) [1958] 3 W.L.R. 118.

Evidence

Accomplice

Issue of accomplice vel non—Whether determinable by judge or jury.
Davies v. Director of Public Prosecutions, C.C.A. [1954] 1 W.L.R. 214; H.L.(E.) [1954] A.C. 378; [1954] 2 W.L.R. 343.

Factory

Floor

Maintenance—Depression in floor filled by loose steel plate—Accident to workman—No breach of statutory duty unless floor unsafe—Safety a question of fact—Factories Act, 1937, ss. 25 (1), 26 (1).
Payne v. Weldless Steel Tube Co. Ld., C.A. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771.

Safe means of access

Platform on scaffolding—Ladders in stores—Whether "provided"—Question of fact—Factories Act, 1937, s. 26 (1).
Farquhar v. Chance Bros. Ltd., Divl.Ct. [1951] W.N. 442; [1951] 2 T.L.R. 666.

Income tax

Deduction

Expenses wholly and exclusively for purposes of trade—Income Tax Act, 1918, Sch. D, Cases I and II, r. (3) (*a*).
Boarland v. Kramat Pulai Ld., Danckwerts J. [1953] 1 W.L.R. 1332.
Morgan v. Tate & Lyle Ld., Harman J. [1953] 1 W.L.R. 145; C.A. [1953] Ch. 601; [1953] 3 W.L.R. 1; H.L.(E.) [1955] A.C. 21; [1954] 3 W.L.R. 85.

FACT OR LAW—*continued.*

Income tax—*continued.*

Profits of trade

Isolated transaction—Adventure in the nature of trade—Purchase and sale of spinning plant—Finding of General Commissioners—Review—Principles—Income Tax Act, 1918, Sch. D, Case I.
Edwards v. Bairstow, H.L.(E.) [1956] A.C. 14; [1955] 3 W.L.R. 410.

Whether company carrying on one trade or two—Discontinuance of certain trading activities—Profits from letting machinery—Income Tax Act, 1918, Cases I and IV of Sch. D—Finance Act, 1936, s. 22.
North Central Waggon and Finance Co. Ld. v. Fifield, C.A. [1953] 1 W.L.R. 610.

Work in progress—Method of valuation.
Duple Motor Bodies v. Inland Revenue Comrs., C.A. [1960] 1 W.L.R. 510.

Judicial discretion

Matrimonial cause

Infant—Custody—Religious upbringing—Whether question of law raised.
B. v. B. (No. 3), C.A. [1955] 1 W.L.R. 559.

Landlord and tenant

Business premises

Application for new tenancy—Landlord requiring possession for reconstruction—Reconstruction not primary purpose—"Substantial part" of premises a question of fact—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Atkinson v. Bettison, C.A. [1955] 1 W.L.R. 1127.

"Substantial part" question of fact—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Bewlay (Tobacconists) Ltd. v. British Bata Shoe Co. Ltd., C.A. [1959] 1 W.L.R. 45.

Construction of lease

Whether wall includes window.
Holiday Fellowship Ltd. v. Hereford, C.A. [1959] 1 W.L.R. 211.

Rent restriction

Dwelling-house required by landlord for personal occupation—Greater hardship—Question of fact—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sched. I, para. (*h*). **King v. Taylor,** C.A. [1955] 1 Q.B. 150; [1954] 3 W.L.R. 669.

Standard rent—Increase—"Improvement"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*a*).
Morcom v. Campbell-Johnson, C.A. [1956] 1 Q.B. 106; [1955] 3 W.L.R. 497.

Negligence

Railway station

Patch of oil—Injury to pedestrian—Standard of duty—Steps taken to render premises reasonably safe. **Blackman v. Railway Executive,** C.A. [1954] 1 W.L.R. 220.

Standard of care

Always question of fact.
Qualcast (Wolverhampton) Ltd. v. Haynes, H.L.(E.) [1959] A.C. 743; [1959] 2 W.L.R. 510.
Brown v. Rolls Royce Ltd., H.L.(Sc.) [1960] 1 W.L.R. 210.

Question of fact—Master and servant.
Cavanagh v. Ulster Weaving Co. Ltd., H.L.(N.I.) [1960] A.C. 145; [1959] 3 W.L.R. 262.

Special class of situation.
Hazell v. British Transport Commission, Pearson J. [1958] 1 W.L.R. 177.

Nuisance

Public

Class of public affected—Whether sufficient number—Question of fact.
Attorney-General v. P. Y. A. Quarries Ltd., C.A. [1957] 2 Q.B. 169; [1957] 2 W.L.R. 770.

Rating

Main object of body

Written constitution inconclusive—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*). **Working Men's Club and Institute Union Ltd. v. Swansea Corpn.,** C.A. [1959] 1 W.L.R. 1197.

Question whether rates due

Jurisdiction of magistrates to determine.
Evans v. Brook, Divl.Ct. [1959] 1 W.L.R. 657.

Road traffic

Careless driving

Question of fact for justices—Road Traffic Act, 1930, s. 12 (1).
Gibbons v. Kahl, Divl.Ct. [1956] 1 Q.B. 59; [1955] 3 W.L.R. 596.
Simpson v. Peat, Divl.Ct. [1952] 2 Q.B. 24; [1952] 1 T.L.R. 469; [1952] 1 All E.R. 447.

FACT OR LAW—*continued.*

Right of way

Railway

Dedication—Power of railway authority to dedicate—Consistency with purposes of railway—Question of fact.
British Transport Commission v. Westmorland County Council,
C.A. [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1022.
H.L.(E.) [1958] A.C. 126; [1957] 2 W.L.R. 1032.

Town and country planning

Development

Material change of user. **Guildford Rural District Council v. Fortescue,**
C.A. [1959] 2 Q.B. 112; [1959] 2 W.L.R. 643.

FACTOR. *See* AGENCY (**Mercantile agent**).

FACTORY. (*See also* BUILDING; CAUSATION; DOCK; ELECTRICITY; MINES; STATUTORY DUTY.)

Burden of proof. *See* CAUSATION.

Causation. *See* CAUSATION.

Common law duty. (*See also* NEGLIGENCE (*Safe system*).)

Relevance of regulations. (*See also* STATUTORY DUTY.)

Fire—Failure to turn off main switch—Fireman electrocuted—Liability of occupier.
Hartley v. Mayoh & Co., C.A. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355.

Horizontal milling machine—Machine used on process exempt from duty to fence under regulations—Whether exemption under regulations supersedes statutory duty to fence—Factories Act, 1937, s. 14 (1)—Horizontal Milling Machines Regulations, 1928, reg. 3, exemptions, proviso. **Quinn v. Horsfall and Bickham Ltd.,**
Glyn-Jones J. [1956] 1 W.L.R. 264; C.A. [1956] 1 W.L.R. 652.

Painter falling from working platform—Statutory regulations applicable to platform at slightly greater height—Whether court may consider common law duty independently of statutory requirements—Building (Safety, Health and Welfare) Regulations, 1948, reg. 22 (*c*). **Chipchase v. British Titan Products Co. Ltd.,**
C.A. [1956] 1 Q.B. 545; [1956] 2 W.L.R. 677.

Contributory negligence. *See* STATUTORY DUTY.

Crane or lifting machine

Chain

Corporation's abattoir used by plaintiff's employers for slaughtering pigs—Pigs attached by slip sling chain to vertical conveyor belt—Chain too thick to grip pig's leg—Fall of pig onto plaintiff—Whether chains of good construction and adequate strength—Whether chains properly maintained—Factories Act, 1937 (1 Edw. 8 & 1 Geo. 6, c. 67), ss. 23, 24. **Gledhill v. Liverpool Abattoir Utility Co., Ltd.,** C.A. [1957] 1 W.L.R. 1028.

Lifting tackle

Mould weighing several tons—Lifting by overhead crane—Stirrup slings supplied—Effective to hold mould—three-fold chain sling used—Mould fell—Plaintiff killed—Whether "tackle . . . of good construction"—Factories Act, 1937, s. 23 (1) (*a*).
Beadsley v. United Steel Companies Ltd., C.A. [1951] 1 K.B. 408; 66 T.L.R. (Pt. 2) 902; [1950] 2 All E.R. 872.

"*Travelling crane*"

Crane working overhead but running on rails at ground level—Whether "overhead travelling crane"—Factories Act, 1937, ss. 14 (1), 24 (7).
Carrington v. John Summers & Sons Ltd., Streatfeild J. [1957] 1 W.L.R. 504.

Criminal liability

Breach of regulation

Person not employed by factory occupiers killed as a result of a breach—Whether factory occupiers liable to a penalty—Regulations for Use of Locomotives and Wagons on Lines and Sidings in or used in connexion with Premises under the Factory and Workshop Act, 1901, reg. 14—Factories Act, 1937, s. 133.
Stanton Ironworks Co. Ld. v. Skipper, Divl.Ct. [1956] 1 Q.B. 255; [1955] 3 W.L.R. 752.

Dangerous machinery (fencing)

Duty to guard against acts reasonably foreseeable—Unfenced nip between conveyor belt and drum—Employee cleaning machinery in motion—No danger to operator—Whether injury "in consequence" of contravention of Act—Whether lacerated hand "injury "to health"—Factories Act, 1937, ss. 14 (1), 133, 152 (1).
Dunn v. Birds Eye Foods Ltd., Divl.Ct. [1959] 2 Q.B. 265; [1959] 2 W.L.R. 812.

Dangerous machinery (fencing)

Causation. *See* CAUSATION.

Contributory negligence. *See* STATUTORY DUTY.

Dangerous combination of machinery and material

Danger arising from "nip" between borer and component being bored—Duty to fence—Factories Act, 1937, s. 14 (1).
Hoare v. M. & W. Grazebrook Ltd., Lynskey J. [1957] 1 W.L.R. 638.

FACTORY—*continued*

Dangerous machinery (fencing) (*Dangerous combination of machinery and material*)—*cont.*

Material or article in machine—Wire-drawing machinery—End of wire causing fatal injury to workman—No statutory duty to fence material in machine unless expressly provided for—Whether wire performing pulling function " dangerous part of machine " —Factories Act, 1937, s. 14 (1) (3).
Bullock v. G. John Power (Agencies) Ltd., C.A. [1956] 1 W.L.R. 171.

Metal-planing machine—Duty not applicable to part of machine not dangerous in itself although dangerous in conjunction with material being worked on—Factories Act, 1937, s. 14 (1). **Lewis v. High Duty Alloys Ltd.**, Ashworth J. [1957] 1 W.L.R. 632.

Duty to fence even though rendering machinery unusable. See **Practicability**.

Electrical stacking truck

Machine gearing defectively encased — Liability of employer — Liability of vendor of machine—Factories Act, 1937, s. 17. **Biddle v. Truvox Engineering Co. Ltd.**, Finnemore J. [1952] 1 K.B. 101; [1951] 2 T.L.R. 968; [1951] 2 All E.R. 835.

Fence, injury from

Carborundum wheel—Disintegration—Fence shifted—Injury—Factories Act, 1937, ss. 14, 16.
Rutherford v. R. E. Glanville & Sons (Bovey Tracey) Ltd., C.A. [1958] 1 W.L.R. 415.

Horizontal milling machine

Machine completely fenced only while cutters in motion—Factories Act, 1937, s. 14 (1)—Horizontal Milling Machine Regulations, 1928, regs. 3 (1), 6.
Morris Motors Ltd. v. Hopgood, Divl.Ct. [1951] 1 Q.B. 30; [1956] 3 W.L.R. 767.

Machine used on process exempt from duty to fence under regulations—Whether exemption under regulations supersedes statutory duty to fence—Factories Act, 1937, s. 14 (1)—Horizontal Milling Machines Regulations, 1928, reg. 3, exemptions, proviso.
Quinn v. Horsfall and Bickham Ltd., Glyn-Jones J. [1956] 1 W.L.R. 264; C.A. [1956] 1 W.L.R. 652.

Plaintiff injured by dangerous unfenced part of machine—Not cutters—Duty to fence cutters under reg. 3 not exhaustive—Horizontal Milling Machine Regulations, 1928, reg. 3—Factory and Workshops Act, 1901, ss. 10, 79—Factories Act, 1937, s. 14.
Benn v. Kamm & Co. Ltd., Parker J. [1952] 1 T.L.R. 57; [1952] 1 All E.R. 56. C.A. [1952] 2 Q.B. 127; [1952] 1 T.L.R. 873; [1952] 1 All E.R. 833.

" *Machinery* "

Cable way—Handrail three feet high—Gap of eighteen inches—Overhead travelling cable way—Buckets suspended from cable—Whether cable way " machinery " requiring to be fenced—Factories Act, 1937, s. 14 (1).
Quintas v. National Smelting Co. Ltd., Devlin J. [1960] 1 W.L.R. 217.

Truck used for carrying materials produced in factory—Workman injured by revolving fan of truck engine while adjusting oil feed—Whether truck " any machinery " requiring to have all dangerous parts fenced—Meaning of " any machinery "—Factories Act, 1937, s. 14 (1). **Cherry v. International Alloys Ltd.**, C.A. [1960] 1 W.L.R. 563.

Machinery manufactured in factory

Whether Act applicable—Factories Act, 1937, ss. 14 (1), 16, 20.
Parvin v. Morton Machine Co. Ltd., H.L.(Sc.) [1952] A.C. 515; [1952] 1 T.L.R. 682; [1952] 1 All E.R. 670.

Particles ejected from machine

Duty not applicable—Factories Act, 1937, s. 14 (1).
Kilgollan v. William Cooke & Co. Ltd., C.A. [1956] 1 W.L.R. 527.

Parts ejected from machine

Drilling bit shattered—Whether " dangerous part " of machine—Whether risk of injury reasonably " foreseeable "—Factories Act, 1937, s. 14 (1).
Close v. Steel Company of Wales Ltd., C.A. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401.

Guard against contact with cutters—No guard against parts flying out of machine—Duty of occupier to guard against both dangers—Woodworking Machinery Regulations, 1922, reg. 17—Factories Act, 1937, s. 14 (1).
Dickson v. Flack, Havers J. [1953] 1 W.L.R. 196; C.A. [1953] 2 Q.B. 464; [1953] 3 W.L.R. 571.

Practicability of precautions. See **Practicability.**

Testing

Electric fan used in factory under test in maintenance building—Workman's injury by blades—Fan required to be fenced in factory—Whether same requirement in maintenance building while being tested—Factories Act, 1937, s. 14.
Thurogood v. Van Den Berghs & Jurgens Ltd., C.A. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; [1951] 1 All E.R. 682.

Power press—Provision of safety guard by employer—Testing after adjustment—Omission of workman to use guard—Workman's duty—Breach of statutory duty by workman—Factories Act, 1937, ss. 14, 16, 119. **Norris v. Syndic Manufacturing Co.**, C.A. [1952] 2 Q.B. 135; [1952] 1 T.L.R. 858; [1952] 1 All E.R. 935.

FACTORY—*continued.*

Dangerous machinery (fencing)—*continued.*

Transmission machinery

Dangerous parts—Duty to fence when "in motion or in use"—Machine being adjusted and without electrical motive power—Motion provided by hand—Whether machine in motion—Factories Act, 1937, ss. 12, 13, 14, 16.
Richard Thomas & Baldwins Ld. v. Cummings, C.A. [1953] 2 Q.B. 95; [1953] 2 W.L.R. 1104.
H.L.(E.) [1955] A.C. 321; [1955] 2 W.L.R. 293

Ladder leaning against rotating shaft at top of machinery—Plaintiff's hand injured while cleaning shaft—"Securely fenced"—Meaning—Test of foreseeability—Factories Act, 1937, s. 13 (1).
Burns v. Joseph Terry & Sons Ltd., C.A. [1951] 1 K.B. 454; [1951] 1 T.L.R. 349.

Unfenced machinery nine feet above ground—Unauthorized interference by worker—Causation—Factories Act, 1937, s. 13 (1).
Hodkinson v. H. Wallwork & Co. Ld., C.A. [1955] 1 W.L.R. 1195.

Woodworking machine. See also Parts ejected.

Circular saw—Factory owners' duty—Compliance with regulations—Whether further duty imposed by Act—Factories Act, 1937, s. 14 (1)—Woodworking Machinery Regulations, 1922, reg. 10 (*c*).
Automatic Woodturning Co. Ltd. v. Stringer, H.L.(E.) [1957] A.C. 544; [1957] 2 W.L.R. 203.

———— "Largest saw used on the bench"—Blades lessened in diameter through sharpening and regulleting—Woodworking Machinery Regulations, 1922, reg. 10 (*b*), (i), (ii). **Watson v. British Thomson Houston Co. Ltd.,** Parker J. [1952] W.N. 230; [1952] 1 T.L.R. 1232; [1952] 1 All E.R. 1125.
C.A. [1953] 1 Q.B. 54; [1952] 2 T.L.R. 789; [1952] 2 All E.R. 851.

Efficient guard—Meaning—Verticle spindle moulding machine—Portion of cutter exposed—Operative injured—Guard provided in compliance with regulation 17—Whether additional safeguard of jig or holder necessary—Woodworking Machinery Regulations, 1922, regs. 17, 18. **Vickers v. E. Gomme Ltd.,** C.A. [1957] 1 W.L.R. 656.

Guard improperly adjusted—Breach of statutory duty—Delegation of duty to workman—Contributory negligence—Woodworking Machinery Regulations, 1922, regs. 10 (*c*), 21, 23. **Hilton v. F. H. Marshall & Co. Ltd.,** Harman J. [1951] W.N. 81.

———— No duty to comply with Act if compliance with regulations—Saw not used for sawing—Factories Act, 1937, s. 14 (1)—Woodworking Machinery Regulations, 1922, reg. 10 (*c*).
Stringer v. Automatic Woodturning Co. Ltd., Oliver J. [1955], 1 W.L.R. 971; C.A. [1956] 1 W.L.R. 138.

Workman, duty on. See **Workman**; STATUTORY DUTY.

Definition. (*See also* RATING (**Industrial hereditament**).)

"*Adapting for sale of any article*"

Factory and Workshop Act, 1901, s. 149 (1).
Fatstock Marketing Corporation Ltd. v. Morgan, C.A. [1958] 1 W.L.R. 357.

Directors' canteen

Premises within the curtilage of a factory—User—Not a "factory"—Factories Act, 1937, s. 151 (1), (6). **Thomas v. British Thomson-Houston Co. Ld.,** Havers J. [1953] 1 W.L.R. 67.

Electricity generating station

Part operating, part under construction in possession of construction contractors—Accident to contractors' employee—Liability—"Place situate within close, curtilage or precincts "forming a factory . . . used for . . . purposes other than processes carried on in . . . "factory"—Not part of factory—Factories Act, 1937, s. 151 (6).
Street v. British Electricity Authority, C.A. [1952] 2 Q.B. 399; [1952] 1 T.L.R. 799; [1952] 1 All E.R 679.

Omnibus depot

Not a "factory"—Factories Act, 1937, s. 151 (1) (vi).
Jones v. Crosville Motor Services Ltd., Hallett J. [1956] 1 W.L.R. 1425.

Prison

Workshop in which prisoners employed on manufacture of coir mats—Under penal discipline—Not working under contracts of employment—Not a factory—Factories Act, 1937, s. 151 (1). **Pullen v. Prison Commissioners,** Lord Goddard C.J. [1957] 1 W.L.R. 1186.

Pumping station

Altering or cleaning an article—Water—Whether an "article"—Whether pumping station a "factory"—Factories Act, 1937, s. 151 (1), (6), (9).
Longhurst v. Guildford, Godalming and District Water Board, Lord Parker C.J. [1960] 2 Q.B. 265; [1960] 2 W.L.R. 383.
C.A. [1960] 3 W.L.R. 1059.

FACTORY—*continued.*

Definition—*continued.*

Separate factory

Maintenance shop—Within factory curtilage separate building used for maintenance—Whether separate factory—Factories Act, 1937, s. 151 (1) (*x*) (6).
Thurogood v. Van Den Berghs & Jurgens Ltd., C.A. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; [1951] 1 All E.R. 682.

Temporary use of part for repairs

Apron of airfield in vicinity of hangar—Hangar a factory—Apron enclosed by security fence—Repairs being carried out to apron—Whether apron premises within "close or "curtilage, or precincts" of factory—Whether apron "place situate within the "close, curtilage, or precincts forming a factory . . . used for some purpose other "than the processes carried on in the factory"—Factories Act, 1937, s. 151 (1) (6)—Protection of Eyes Regulations, 1938 (No. 654).
Walsh v. Allweather Mechanical Grouting Co. Ltd., C.A. [1959] 2 Q.B. 300; [1959] 3 W.L.R. 1.

Works canteen

Premises within the curtilage of a factory—User—Purpose incidental to the processes of manufacture carried on at the factory—Part of the factory—Factories Act, 1937, s. 151 (1) (6). **Luttman v. Imperial Chemical Industries Ld.,** Jones J. [1955] 1 W.L.R. 980.

Dermatitis

Use of synthetic glue. (*See also* NEGLIGENCE (**Safe system**) (*Dangerous substance*).)

Prophylactic not kept in shop although obtainable by workmen at store in factory—Duty of foreman—Whether safe system of work—Provision of washing facilities—Welfare provision not safety provision—Factories Act, 1937, s. 42.
Clifford v. Charles H. Challen & Son Ltd., C.A. [1951] 1 K.B. 495; [1951] 1 T.L.R. 234; [1951] 1 All E.R. 72.

Dust. (*See also* NEGLIGENCE (**Safe system**) ; **Ventilation**)

Elimination

Accumulation of dust—Dangerous wood dust given off by sanding machine—Ventilation adequate for ordinary purposes—Ventilation insufficient to remove injurious dust—Settlement of dust on skin of workman—Whether an accumulation—"Provision . . . for " . . . adequate ventilation . . . and for rendering harmless . . . dust . . . that may "be injurious" applicable to impurities circulating in the air—No requirement for provision of extractors to prevent injurious dust from entering into circulation—Whether dust "accumulating . . . in workroom"—Factories Act, 1937, ss. 4 (1), 47 (1).
Graham v. Co-operative Wholesale Society Ltd., Devlin J. [1957] 1 W.L.R. 511.

"All practicable measures"—Failure to induce employee to wear mask provided—Factories Act, 1937, s. 47 (1).
Crookall v. Vickers-Armstrong Ld., Glyn-Jones J. [1955] 1 W.L.R. 659.

———————— Substantial quantity of dust—No masks or exhaust appliances provided—Dusts not known to be injurious until 1950—Silicosis contracted by workman—Whether all practicable measures taken by employers—Factories Act, 1937, s. 47 (1). **Richards v. Highway Ironfounders (West Bromwich) Ld.,** C.A. [1955] 1 W.L.R. 1049.
Pearson J. [1957] 1 W.L.R. 781.

———————————————— Visible dust not dangerous—Invisible dust dangerous—Factories Act, 1937, s. 47 (1).
Gregson v. Hick Hargreaves & Co. Ltd., Donovan J. [1955] 1 W.L.R. 1025.
C.A. [1955] 1 W.L.R. 1252.

Dermatitis from Monsonia wood dust—No precautions taken—"Provisions . . . for . . . "adequate ventilation . . . and for rendering harmless . . . dust . . . that may be "injurious to health"—Not applicable to protective gloves, etc.—Factories Act, 1937, ss. 4, 47. **Ebbs v. James Whitson & Co. Ltd.,** C.A. [1952] 2 Q.B. 877; [1952] 1 T.L.R. 1428; [1952] 2 All E.R. 192.

Grinding of metals. (*See also* **Eyes.**)

Combination of grid and extractor plant—Provision of masks—Pneumoconiosis contracted by workman—Whether "practicable measures" taken for protection of employees—Grinding of Metals (Miscellaneous Industries) Regulations, 1925, reg. 13—Factories Act, 1937, s. 47 (1). **Adsett v. K. and L. Steelfounders and Engineers Ld.,** Parker J. [1953] 1 W.L.R. 137;
C.A. [1953] 1 W.L.R. 773.

"Grinding" and "cleaning of castings"—Whether mutually exclusive—"Abrasive "wheel"—Wheel "of bonded emery or similar abrasive"—Meaning of "similar"—Carborundum—Silica dust—Pneumoconiosis—Grinding of Metals (Miscellaneous Industries) Regulations, 1925, reg. 1.
Quinn v. Cameron and Roberton Ltd., H.L.(Sc.) [1958] A.C. 9; [1957] 2 W.L.R. 692.

FACTORY—*continued.*

Dust (*Grinding of metals*)—*continued.*

Silica dust—Pneumoconiosis—Whether caused by breach of duty—Ventilation—Swing-frame grinders—Not "portable"—Grinding of Metals (Miscellaneous Industries) Regulations, 1925, reg. 1—Factories Act, 1937, s. 4 (1).
Nicholson v. Atlas Steel Foundry and Engineering Co. Ltd., H.L.(Sc.) [1957] 1 W.L.R. 613.

——— ——— Whether resulting from breach of duty—Grinding of Metals (Miscellaneous Industries) Regulations, 1925, reg. 1.
Bonnington Castings Ltd. v. Wardlaw, H.L.(Sc.) [1956] A.C. 613; [1956] 2 W.L.R. 707.
Nicholson v. Atlas Steel Foundry & Engineering Co. Ltd., H.L.(Sc.) [1957] 1 W.L.R. 613.
Quinn v. Cameron and Roberton Ltd., H.L.(Sc.) [1958] A.C. 9; [1957] 2 W.L.R. 692.

Duty on workman. *See* **Workman.**

Electric cable
Defective. See ELECTRICITY.

"Electrical process." *See* **Eyes.**

Electric fan. *See* **Dangerous machinery (fencing).**

Electricity. *See* ELECTRICITY.

Eyes. (*See also* "**Persons employed**"; BUILDING (**Safety Regulations**).)

Protection

Dry-grinding—Failure to provide goggles—Breach of duty not shown to be cause of accident—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, reg. 1, Sch.
Nolan v. Dental Manufacturing Co. Ltd., Paull J. [1958] 1 W.L.R. 936.

"Fettling"—Moulder removing "runners" or "gates" from castings—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, reg. 1, Sch.
Williams v. Falkirk Iron Co. Ltd., Sellars J. (Birmingham Assizes) [1951] 1 All E.R. 294.

Provision of goggles or effective screens—"Electrical process"—Power to make regulations for processes involving special risk of injury to eye—Regulations as to specified processes—Validity—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, Sch. **Rees v. Bernard Hastie & Co. Ld.,** C.A. [1953] 1 Q.B. 328; [1953] 2 W.L.R. 288.

— — ——————— Electrical welding—Use by workman of goggles and screens provided—Injury to eye—Whether goggles "suitable" and screen "effective"—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938.
Lloyd v. F. Evans & Sons Ltd., C.A. [1951] W.N. 306.

——————————— "Suitable"—Fettling process involving special risk of eye injury—Misting of goggles—Duty of employers—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, Sch.
Daniels v. Ford Motor Co. Ld., C.A. [1955] 1 W.L.R. 76.

Whether injury caused by breach of duty—Meaning of "plant"—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938. **Watts v. Enfield Rolling Mills (Aluminium) Ltd.,** C.A. [1952] 1 T.L.R. 733; [1952] 1 All E.R. 1013.

"Factory," meaning of. *See* **Definition.**

Fencing. *See* **Dangerous machinery; Floor; Safe means of access.**

Floor

Maintenance

Depression in floor filled by loose steel plate—Accident to workman—No breach of statutory duty unless floor unsafe—Safety a question of fact—Factories Act, 1937, ss. 25 (1), 26 (1).
Payne v. Weldless Steel Tube Co. Ld., C.A. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771.

Flooding of factory floor by exceptional rainfall—Gangway slippery with mixture of water and escaped oil—Workman allowed to work there—No negligence—No breach of duty to maintain gangway—Meaning of "maintain"—Factories Act, 1937, ss. 25 (1), 26.
Latimer v. A.E.C. Ltd., Pilcher J. [1952] W.N. 100; [1952] 1 T.L.R. 507; [1952] 1 All E.R. 443.
C.A. [1952] 2 Q.B. 701; [1952] 1 T.L.R. 1349; [1952] 1 All E.R. 1302.
H.L.(E.) [1953] A.C. 643; [1953] 3 W.L.R. 259.

Workman's fall in passage leading to canteen—Patch of greasy substance on floor—Duty to "maintain" passages—Extent—Factories Act, 1937, ss. 25 (1), 26 (1).
Davies v. De Havilland Aircraft Co. Ltd., Somervell L.J., [1951] 1 K.B. 50; [1950] 2 All E.R. 582.

Opening

Dry dock—Whether dock an "opening" in a floor—Necessity to fence—Working ledge of dry dock unfenced—Workman returning to work—Fall onto ledge and into dock—Factories Act, 1937, ss. 25 (3), 26 (1).
Bath v. British Transport Commission, C.A. [1954] 1 W.L.R. 1013.

FACTORY—*continued.*

Floor (*Opening*)—*continued.*

Meaning of "floor"—Statutory duty to fence—Foundry with sand bed—Unfenced hole in sand—Whether "opening in floor"—Injury to workman through falling into hole—Liability of employer—Contributory negligence—Workman walks backwards into hole—Principles applicable—Factories Act, 1937, s. 25 (3).
Harrison v. Metropolitan-Vickers Electrical Co. Ld., C.A. [1954] 1 W.L.R. 324.

Plankway—Whether plankway used by workmen for access to different parts of shipyard gantries a "floor"—Workman falling through unfenced aperture in plankway—Factories Act, 1937, s. 25 (3).
Tate v. Swan Hunter & Wigham Richardson Ltd., C.A. [1958] 1 W.L.R. 39.

Fumes. *See* **Ventilation.**

Gas works. *See* **Ventilation.**

Lift

Gates

Duty to prevent person coming into contact with moving part—Person inserting hand through gates—Injury to hand by movement of lift—Factories Act, 1937, s. 22 (3).
Blakeley v. C. & H. Clothing Co., Lynskey J. [1958] 1 W.L.R. 378.

Lifting machine. *See* **Crane.**

Meaning of "factory." *See* **Definition.**

Mines. *See* **Mines.**

Onus of proof. *See* CAUSATION.

Passage. *See* **Floor.**

"Persons employed"

Fireman

Fireman electrocuted in factory premises while fighting fire—Mains switch not conforming to regulations—Firemen not "persons employed"—No right of action—Factories Act, 1937, s. 60 (as amended by Factories Act, 1948, s. 12)—Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907.
Hartley v. Mayoh & Co., C.A. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355.

Independent contractor

Person employed by independent contractor electrocuted in factory premises—Liability of factory owner for breach of regulations—Factories Act, 1937, s. 60 (as amended by Factories Act, 1948, s. (12)—Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907, reg. 1.
Massey-Harris-Ferguson (Manufacturing) Ltd. v. Piper,
Divl.Ct. [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271.

Self-employed roofer falling off roof—Failure to provide proper equipment—Whether duty owed to independent contractor under building regulations—Factories Act, 1937, s. 60.
Herbert v. Harold Shaw Ltd., C.A. [1959] 2 Q.B. 138; [1959] 2 W.L.R. 681.

"*Occupier*" *by*

Provision of goggles or effective screens—Independent contractor using mechanical implement—Factories Act, 1937, ss. 49, 139—Protection of Eyes Regulations, 1938.
Whalley v. Briggs Motor Bodies Ld., Streatfeild J. [1954] 1 W.L.R. 840.

Ship

Seaman employed as yeoman carpenter by shipowners—Work of repair on ship in public dry dock—Factory and Workshop Act, 1901, s. 79—Shipbuilding Regulations, 1931, reg. 10—Factories Act, 1937, s. 60 (as amended by Factories Act, 1948, s. 12).
Canadian Pacific Steamships Ltd. v. Bryers, Diplock J. [1956] 1 W.L.R. 1181;
C.A. [1957] 1 Q.B. 134; [1956] 3 W.L.R. 776.
H.L.(E.) [1958] A.C. 485; [1957] 3 W.L.R. 993.

Voluntary assistance

Woodworking machine—Circular saw—Licensee—Injury caused while voluntarily helping another on private work after "clocking-off"—"Person employed"—"Working"—Factories Act, 1937, ss. 14 (1), 60 (1) (as amended by the Factories Act, 1948, s. 12 (1) and Sch. 1)—Woodworking Machinery Regulations, 1922, reg. 10 (*c*).
Napieralski v. Curtis (Contractors) Ltd., Havers J. [1959] 1 W.L.R. 835.

"Plant." *See* WORDS AND PHRASES.

Practicability of precautions. (*See also* **Dust.**)

Fencing dangerous machinery

Duty to fence even though rendering machinery unusable—Grindstone—Factories Act, 1937, s. 14 (1).
Pugh v. Manchester Dry Docks Co. Ld., Donovan J. [1954] 1 W.L.R. 389.
Frost v. John Summers & Sons Ld., C.A. [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794.
H.L.(E.) [1955] A.C. 760; [1955] 2 W.L.R. 825.

FACTORY—*continued.*

Safe means of access

Building operations

Operation in factory by independent contractor—Fall through roof by contractor's workman—Duty of occupier—Factories Act, 1937, ss. 26 (1), 107 (1) (2)—Factories Act, 1948, s. 14 (4) (*a*). **Whincup v. Joseph Woodhead & Sons (Engineers) Ltd.,** McNair J. (Leeds Autumn Assizes) [1951] 1 All E.R. 387.

Dry dock

Working ledge of dry dock unfenced—Workman returning to work—Fall onto ledge and into dock—Factories Act, 1937, s. 26 (1). **Bath v. British Transport Commission,** C.A. [1954] 1 W.L.R. 1013.

Ladder

Platform on scaffolding—Ladders in stores—Ladder used by workman on previous occasion—Workman attempting to cross from girder to platform—Fall—Whether safe means of access "provided"—Question of fact—Factories Act, 1937, s. 26 (1). **Farquhar v. Chance Bros. Ltd.,** Divl.Ct. [1951] W.N. 442; [1951] 2 T.L.R. 666.

Semi-glazed floor—Work to be done on top of booth 6ft. 6ins. high—10ft. ladder used—Not held or stayed—Ladder slipped—Workman fell—Whether substantial risk of slipping—Factories Act, 1937, s. 26 (1). **McCarthy v. Coldair Ltd.,** C.A. [1951] W.N. 590; [1951] 2 T.L.R. 1226.

Maintenance of

Duty of employer—" Transient and exceptional " obstruction—Not a breach of employers' obligation to maintain—Factories Act, 1937, s. 26 (1). **Levesley v. Thomas Firth & John Brown Ld.,** C.A. [1953] 1 W.L.R. 1206.

Place of work

Repair of roof—Removal of iron sheets—Workman's fall through unsafe part of roof while removing sheet—Whether access to work or place of work—Factories Act, 1937, s. 26 (1). **Dorman, Long & Co. Ltd. v. Hillier,** Divl.Ct. [1951] 1 All E.R. 357.

Transient occurrence. See **Transient occurrence.**

Safe system of work. *See* NEGLIGENCE.

Staircase

Hand-rails

" Condition of surface of steps "—" Special circumstances . . . specially liable to cause " accidents "—Construction—Factories Act, 1937, s. 25 (2). **Harris v. Rugby Portland Cement Co. Ld.,** C.A. [1955] 1 W.L.R. 648.

Meaning of " staircase "—Three steps wedged into platform—Factories Act, 1937, s. 25 (2). **Kimpton v. Steel Company of Wales Ltd.,** C.A. [1960] 1 W.L.R. 527.

Sub-contractor. *See* **" Persons employed "**; BUILDING (**Safety**).

Transient occurrence

Dock

Wooden platform propped up against door of shed—Workman injured by fall of platform—Safe maintenance—Docks Regulations. **Woods v. W. H. Rhodes & Son Ld.,** C.A. [1953] 1 W.L.R. 1072.

Floor

Flooding of factory floor by exceptional rainfall—Gangway slippery with mixed water and escaped oil—Factories Act, 1937, ss. 25 (1), 26. **Latimer v. A.E.C. Ld.,** H.L.(E.) [1953] A.C. 643; [1953] 3 W.L.R. 259.

Safe means of access

Entrance rendered slippery and unsafe by sudden snowstorm—Factories Act, 1937, s. 26. **Thomas v. Bristol Aeroplane Co. Ld.,** C.A. [1954] 1 W.L.R. 694.

Obstruction—Factories Act, 1937, s. 26 (1). **Levesley v. Thomas Firth & John Brown Ld.,** C.A. [1953] 1 W.L.R. 1206.

Ventilation or fumes. (*See also* **Dust.**)

Boiler room

Workman killed by injurious fumes—Factories Act, 1937, ss. 4 (1), 47 (1). **Brophy v. J. C. Bradfield & Co. Ld.,** C.A. [1955] 1 W.L.R. 1148.

Dust

Ventilation insufficient to remove injurious dust—No requirement for provision of extractors to prevent injurious dust from entering into circulation. **Graham v. Co-operative Wholesale Society Ltd.,** Devlin J. [1957] 1 W.L.R. 511.

Gas works

Fumes injurious or offensive to persons employed—" Offensive "—Factories Act, 1937, ss. 4 (1), 47 (1). **Coote v. Eastern Gas Board,** Byrne J. [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592.

Washing facilities. *See* **Dermatitis.**

Workman, duty on. (*See also* STATUTORY DUTY.)

Dangerous machinery

Dangerous moving parts—Metal box guard with lid closed but not fastened—Lid raised by operative—Machine accidentally set in motion—Accident—Liability of employer—Liability of operative—" Wilfully interfere with or misuse "—Factories Act, 1937, ss. 14, 16, 119. **Charles v. S. Smith & Sons (England) Ld.,** Hilbery J. [1954] 1 W.L.R. 451.

FALSE IMPRISONMENT. (*See also* JUSTICES (**Action against**).)

Arrest

Arrest without warrant

Duty of person arresting—Informing person arrested of reason for arrest—Taking arrested person forthwith to justice or police officer.
John Lewis & Co. Ltd. v. Tims, C.A. [1951] 2 K.B. 459; [1951] 1 T.L.R. 719; [1951] 1 All E.R. 814.
H.L.(E.) [1952] A.C. 676; [1952] 1 T.L.R. 1132; [1952] 1 All E.R. 1203.

Ship

Right of master to detain person

Necessity for preservation of order or safety of vessel—Belief and reasonable cause to believe. **Hook v. Cunard Steamship Co.,** Slade J. [1953] 1 W.L.R. 682.

FAMILY ALLOWANCE

Divorce

Maintenance

Whether family allowances to be taken into account in calculating maintenance—Family Allowances Act, 1945. **Powell v. Powell,** C.A. [1951] P. 257.

Entitlement

Absence at school

Children received into care of local authority—Sent to residential schools—Whether "included in the family" for family allowances purposes—"Temporary absence . . . "at any school"—Family Allowances Act, 1945, ss. 1, 3 (2), 21 (7)—Children Act, 1948, s. 1—Family Allowances and National Insurance Act, 1952, s. 52.
Hill v. Minister of Pensions and National Insurance, Lord Goddard C.J. [1955] 1 W.L.R. 899.

FAMILY PROVISION

Australia (N.S.W.)

Adequacy of provision

Facts to be considered as at date of testator's death, not as at hearing of application—Account to be taken of events which testator might reasonably be expected to foresee—Testator's Family Maintenance and Guardianship of Infants Act, 1916–54 (N.S.W.), s. 3 (1). **Dun v. Dun,** J.C. [1959] A.C. 272; [1959] 2 W.L.R. 554.

Child

Daughter unmarried

Departure from paternal home to live as wife of married man—Testator under no moral obligation to maintain daughter after departure from home—Inheritance (Family Provision) Act, 1938, s. 1 (1) (*b*).
In re **Andrews, decd.,** Wynn-Parry J. [1955] 1 W.L.R. 1105.

Estate bequeathed to second wife

No provision for infant children of first marriage—Date at which reasonableness of provision for dependants to be determined—Inheritance (Family Provision) Act, 1938, s. 1. *In re* **Howell,** C.A. [1953] 1 W.L.R. 1034.

Illegitimate child

Application for maintenance—Intestacy—Claim to be illegitimate son of the intestate—Whether a dependant within the Act—Inheritance (Family Provision) Act, 1938—Intestates Estates Act, 1952.
In re **Makein, decd.,** Harman J. [1955] Ch. 194; [1955] 2 W.L.R. 43.

Estate under £2,000

Capital payments

Method of computation—Inheritance (Family Provision) Act, 1938, s. 1 (3), (4).
In re **Bates, decd.,** Roxburgh J. [1953] 1 W.L.R. 276.

Limitation

Extension of time

Circumstance affecting administration or distribution of estate—Mistake as to time by applicant's solicitors—Evidence—Practice—Procedure summons inappropriate—Inheritance (Family Provision) Act, 1938, as amended by Intestates' Estates Act, 1952, s. 2 (1) (1A). *In re* **Greaves, decd.,** Roxburgh J. [1954] 1 W.L.R. 760.

Person having "an interest in the estate"—Circumstances affecting the administration or distribution of the estate—Posthumous child of deceased—Summons issued after expiration of six-month period—Inheritance (Family Provision) Act, 1938, as amended, s. 2 (1A) (*b*) and (*c*). *In re* **Trott, decd.,** Upjohn J. [1958] 1 W.L.R. 604.

Question whether person had interest in estate, not having been determined at time when representation first taken out—Inheritance (Family Provision) Act, 1938, as amended by Intestates' Estates Act, 1952, s. 2 (1) (1A).
In re **Bone, decd.,** Danckwerts J. [1955] 1 W.L.R. 703.

Practice

Applicants with adverse interests

Representation by counsel—Inheritance (Family Provision) Act, 1938.
Practice Note (Family Provision), Ch.D. [1954] 1 W.L.R. 778.

Apportionment

Apportionment of annuity fund between residue and pecuniary legacies.
In re Jackson, decd., Roxburgh J. [1952] W.N. 352; [1952] 2 T.L.R. 90.

FAMILY PROVISION—*continued.*

Practice—*continued.*

Title of proceedings

Inheritance (Family Provision) Act, 1938—Intestates' Estates Act, 1952, Sched. IV.
In re **Riglar, decd. (Practice Note),** Ch.D. [1956] 1 W.L.R. 1414.

Widow

Annuity

Partnership between testator and his brother—Annuity (nominated by will) payable, on death of partner, to widow by surviving partner during joint lives—Abatement if profits less than specified sum annually—Further provision—Any portion of annuity not received out of partnership funds payable out of residue during widowhood.
In re **Doring,** Wynn-Parry J. [1955] 1 W.L.R. 1217.

Evidence of testator's reasons

Whether limited to reasons expressed by testator in connection with his will—Whether limited to statements in writing—Inheritance (Family Provision) Act, 1938, s. 1 (7).
In re **Smallwood, decd.,** Roxburgh J. [1951] Ch. 369; [1951] 1 T.L.R. 331; [1951] 1 All E.R. 372.

Pension

Small estate—No provision in husband's will—Long separation—Residue to husband's mistress—Pension from husband's ex-employers—Inheritance (Family Provision) Act, 1938, s. 1.
In re **Charman, decd.,** Harman J. [1951] W.N. 599; [1951] 2 T.L.R. 1095.

Proof of widowhood

Presumption of death—Wife formerly testator's housekeeper—Inheritance (Family Provision) Act, 1938. *In re* **Watkins, decd.,** Harman J. [1953] 1 W.L.R. 1323.

FATAL ACCIDENTS ACTS

Costs

Taxation

Additional administration costs—Collision at sea—Action in respect of loss of expectation of life—Award resulting in increase in value of estate—Consequent additional costs of administration—Whether allowable—R.S.C., Ord. 65, r. 27 (29).
Thomas v. Cunard White Star Ltd. The Queen Mary, Willmer J. [1951] P. 153.

Taxation as between solicitor and client—Fatal Accidents Acts, 1846–1908—Supreme Court of Judicature (Consolidation) Act, 1925, s. 50—R.S.C., Ord. 22, r. 14 (9) (11).
The Albion (No. 2), Willmer J. [1954] 1 W.L.R. 1220.

Damages

Administration. (*See also Payment out.*)

Administration by trustees instead of court—R.S.C., Ord. 22, r. 14 (1) (9).
Woodley v. Tersons Ltd., Devlin J. [1958] 1 W.L.R. 1011.

Apportionment

Dependants, young widow and child, aged 1—Widow consulted on apportionment—Larger sum to child—Appeal—Whether defendant entitled to question apportionment—Fatal Accidents Act, 1846, s. 2; Fatal Accidents Act, 1864, s. 2.
Eifert v. Holt's Transport Co. Ltd., C.A. [1951] W.N. 467; [1951] 2 All E.R. 655.

Assessment

General principles. **Nance v. British Columbia Electric Railway Co. Ltd.,** J.C. [1951] A.C. 601; [1951] 2 T.L.R. 137; [1951] 2 All E.R. 448.

Funeral expenses

Tombstone—Erection of memorial over grave six months after funeral—Law Reform (Miscellaneous Provisions) Act, 1934, ss. 1 (2) (*c*), 2 (3).
Stanton v. Ewart F. Youldon Ltd., McNair J. [1960] 1 W.L.R. 543.

Illegitimate children

Collision at sea—Seaman father killed—Claim by unmarried mother in respect of dependent illegitimate children—Mother managing deceased's home and looking after children—Whether mother's inability to claim as dependant to be taken into account in award to children.
Phipps v. Cunard White Star Ltd. The Queen Mary, Willmer J. [1951] W.N. 118; [1951] 1 T.L.R. 359.

Infant dependant

Death of remaining spouse pendente lite—Action by husband for himself and children—Death of husband before proof—Measure of damages.
Glasgow Corporation v. Kelly, H.L.(Sc.) [1951] W.N. 111; [1951] 1 T.L.R. 345.

Remarriage of widow—Right of infant to damages after remarriage of widow—Fatal Accidents Act, 1846. **Mead v. Clarke Chapman & Co. Ltd.,** C.A. [1956] 1 W.L.R. 76.

Insurance or pensions scheme

Estate duty—Half of estate left by deceased made up of payments under insurance policies—Whether estate duty on whole of estate to be deducted from benefit accruing to widow from the death—Fatal Accidents (Damages) Act, 1908, s. 1.
Baker v. T. E. Hopkins & Son Ltd., Barry J. [1958] 1 W.L.R. 993.
(Affd. C.A. [1959] 1 W.L.R. 966.)

FATAL ACCIDENTS ACTS—*continued.*

Damages (*Insurance or pensions scheme*)—*continued.*

Payment to employer under personal accident group insurance policy—Employer " absolute " owner " of policy—Employer's payment to deceased employee's dependant—Whether payment to be taken into account in assessing damages—Whether deceased employer had legal or equitable interest in policy moneys—Fatal Accidents (Damages) Act, 1908, s. 1. **Green v. Russell,** Ashworth J. [1959] 2 Q.B. 226; [1958] 3 W.L.R. 371. C.A. [1959] 3 W.L.R. 17.

Payment under group life assurance scheme to personal representatives of deceased—Whether payment to be taken into account in assessing damages—Fatal Accidents (Damages) Act, 1908, s. 1. **Bowskill v. Dawson (No. 2),** C.A. [1955] 1 Q.B. 13; [1954] 3 W.L.R. 275.

Pension scheme—Weekly payments made to widow and children—Whether to be taken into account in assessing damages—Whether paid " under any contract of assurance " or insurance "—Fatal Accidents (Damages) Act, 1908, s. 1. **O'Neill v. S. J. Smith & Co. (Bidford) Ltd.,** Hallett J. [1957] 1 W.L.R. 1204.

Rule in scheme excluding liability for negligence of servant in common employment—Whether rule void and action maintainable—Whether scheme a contract of insurance—Whether sum paid to be deducted from damages—Law Reform (Personal Injuries) Act, 1948, s. 1 (3)—Fatal Accidents (Damages) Act, 1908, s. 1. **Smith v. British European Airways Corporation,** Hilbery J. [1951] 2 K.B. 893; [1951] 2 T.L.R. 608; [1951] 2 All E.R. 737.

Loss of income

Basis of assessment—Leasehold house subject to mortgage as family home—No financial benefit accruing to widow—Widow not required to give credit for equity of redemption. **Heatley v. Steel Company of Wales,** C.A. [1953] 1 W.L.R. 405.

Husband's claim for loss of wife as dancing partner—Whether recoverable—Husband's claim for loss of wife's contribution to their joint living expenses—Whether benefit conferred on husband which he could recover—Fatal Accidents Act, 1846, s. 2. **Burgess v. Florence Nightingale Hospital for Gentlewomen,** Devlin J. [1955] 1 Q.B. 349; [1955] 2 W.L.R. 533.

Mother's claim in respect of son's death

Mother a widow—Principle of assessment. **Dolbey v. Goodwin,** C.A. [1955] 1 W.L.R. 553

Payment out of court

County court. **Cross v. Edey,** C.A. [1958] 1 Q.B. 288; [1958] 2 W.L.R. 92.

Money recovered by " widow of person killed "—Remarriage of widow—Application for payment out—Continuance of court's discretionary control of fund—R.S.C., Or. 22, r. 14 (3), (9). **Taylor (formerly Ryan) v. Cheltenham & Hereford Breweries Ltd.,** C.A. [1952] 2 Q.B. 493; [1952] 1 T.L.R. 1224; [1952] 1 All E.R. 1135.

Payment of debt of estate

Estate consisting of business and insurance policies—Estate bankrupt when insurance policies disregarded—Father pays debts—Whether amount of debts to be deducted from damages. **Schneider v. Eisovitch,** Paull J. [1960] 2 W.L.R. 169.

Voluntary payment

Acceptance by widow of lump sum on behalf of herself and infants—Whether binding—Jurisdiction of court—R.S.C., Ord. 22, r. 14 (1) (9). **Jeffrey v. Kent County Council,** Paull J. [1958] 1 W.L.R. 927.

Claim by widower as dependant of deceased wife—Receipt of voluntary payment from beneficiaries of deceased's estate—Whether payment to be brought into account in calculating damages—Fatal Accidents Act, 1846. **Peacock v. Amusement Equipment Co. Ld.,** Parker J. [1953] 1 W.L.R. 803; C.A. [1954] 2 Q.B. 347; [1954] 3 W.L.R. 288.

Receipt by widow of voluntary pension from employers of deceased husband—Whether payment resulting from husband's death—Fatal Accidents Act, 1846, s. 2. **Jenner v. Allen West & Co. Ltd.,** C.A. [1959] 1 W.L.R. 554.

Emergency legislation. *See* EMERGENCY LEGISLATION.

Practice

Applicability of R.S.C. Ord. 14

Sufficiency of affidavit in support of order. **Dummer v. Brown,** C.A. [1953] 1 Q.B. 710; [1953] 2 W.L.R. 984.

Competency of proceedings

Letters of administration taken out by widow in Eire—Claim as administratrix—Fatal Accidents Act, 1846, ss. 1, 2, 3—Fatal Accidents Act, 1864, s. 1. **Finnegan v. Cementation Co. Ld.,** C.A. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015.

Writ

Indorsement—Capacity of plaintiff—Action commenced by widow before grant of letters of administration—Described as " plaintiff " in indorsement and as " administratrix " in title and statement of claim—R.S.C., Ord. 3, r. 4—Fatal Accidents Act, 1846, s. 2—Fatal Accidents Act, 1864, s. 1. **Bowler v. John Mowlem & Co.,** C.A. [1954] 1 W.L.R. 1445.

FATAL ACCIDENTS ACTS—*continued.*

Practice (*Writ*)—*continued.*

Writ issued by "widow and administratrix" before grant of letters of administration—Claim as widow—Title of suit—Indorsement of writ—R.S.C., Ord. 2, r. 3, Ord. 3, r. 4—Fatal Accidents Act, 1846, ss. 2, 4—Fatal Accidents Act, 1864, s. 1.
Stebbings v. Holst & Co. Ld., Donovan J. [1953] 1 W.L.R. 603.

Writ issued within 12 months—Served after expiry of limitation period—Defective indorsement—Summons to set aside writ—Defect cured by statement of claim delivered before hearing of summons—Facts existing at time when summons heard relevant to decide whether service of writ to stand—Fatal Accidents Act, 1846, s. 3.
Grounsell v. Cuthell, Ormerod J. [1952] 2 Q.B. 673; [1952] 1 T.L.R. 1558; [1952] 2 All E.R. 135.

Shipping. *See* SHIPPING (**Limitation of liability**)

FEE SIMPLE

Fee simple absolute

Determinable fee

Liable to be divested by statute—"Any similar statute"—Law of Property Act, 1925, s. 7 (1). **Tithe Redemption Commission v. Runcorn Urban District Council,** Danckwerts J. [1953] 3 W.L.R. 845.
C.A. [1954] Ch. 383; [1954] 2 W.L.R. 518.

FERRY. (*See also* BRIDGE).

Ancient franchise

Closure

Ferry owned by municipal corporation—Not extensively used and run at a loss—Operation discontinued—Relator action—Refusal of mandatory injunction to compel corporation to operate ferry—Refusal of declaration—Remedies available—Indictment—Scire facias. **Attorney-General v. Colchester Corporation,** Lord Goddard C.J. [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913.

FIJI

Appeal to Court of Appeal

Competency

Decision of Commissioner of Stamp Duties not decision of a court of justice—Supreme Court sitting "in first instance" to hear case stated—Judgment subject to appeal—Court of Appeal Ordinance (Fiji), No. 2 of 1949, s. 11.
Rice v. Commissioner of Stamp Duties, J.C. [1954] A.C. 216; [1954] 2 W.L.R. 460.

Compulsory acquisition

Native land

Compensation money—Payable to Native Land Trust Board—Not to members of Tokatoka (Native land holding unit)—Observations on distribution of compensation—Crown Acquisition of Lands Ordinance (Laws of Fiji, 1945, c. 122), s. 3—Native Land Trust Ordinance (Laws of Fiji, 1945, c. 86), ss. 15, 32—Native Land (Leases and Licences) Regulations, reg. 3 (2).
Nalukuya v. Director of Lands [1957] A.C. 325; [1957] 2 W.L.R. 755.

Criminal law

Trial with "aid of assessors"

Misdirection by judge—Assessors disabled from giving aid—Judge disabled from taking their opinion—Murder—Provocation—Fiji Criminal Procedure Ordinance, c. 9, s. 246.
Bharat v. The Queen, J.C. [1959] A.C. 533; [1959] 3 W.L.R. 406.

Partition

Tenants in common

"Decree for partition" and "division" different matters—Decree for partition not prohibited by Ordinance regulating subdivision of property—Right to order for sale—Partition Act, 1868, ss. 3, 4—Supreme Court Ordinance, 1875 (Laws of Fiji, c. 2), ss. 35, 36, 37—Subdivision of Land Ordinance, 1937 (Laws of Fiji, c. 121), ss. 3, 5, 11.
Patel v. Premabhai, J.C. [1954] A.C. 35; [1953] 3 W.L.R. 836.

Rating

Valuation of land

"Unimproved value"—Method of assessment—Local Government (Towns) Ordinance of Fiji, 1947 (No. 26 of 1947), as amended by the Local Government (Towns) (Amendment) (No. 2) Ordinance (No. 7 of 1948).
Tetzner v. Colonial Sugar Refining Co. Ltd., J.C. [1958] A.C. 50; [1957] 3 W.L.R. 338.

Revenue

Gift duty

Gift of current life insurance policy—Donor's intention to pay future premiums—Donee's interest unaffected by any contingency—Value at date of gift the value for purposes of duty—Death and Gift Duties Ordinance (Laws of Fiji, 1945, Rev., c. 151) (as amended by Ordinance No. 32 of 1948, s. 5), ss. 15, 45, 46, 51.
Rice v. Commissioner of Stamp Duties, J.C. [1954] A.C. 216; [1954] 2 W.L.R. 460.

FILM

See CINEMATOGRAPH.

FINE. *See* CRIMINAL LAW (**Sentence**) ; CROWN PROCEEDINGS.

FIRE. (*See also* METROPOLIS ; NEGLIGENCE ; RAILWAY.)

Fires Prevention Act

Inn

Motor-car destroyed by fire—No liability—Fires Prevention (Metropolis) Act, 1774, s. 86. **Williams v. Owen,** Finnemore J. [1955] 1 W.L.R. **1293.**

FIRE BRIGADE

Factory

Fire

Failure to turn off main switch—Fireman electrocuted—Liability of occupier—Relevance of statutory duty regarding switches. **Hartley v. Mayoh & Co.,** C.A. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355.

Negligence

Safe system of work

Fireman injured while travelling to emergency in vehicle with unlashed jack—Necessary risk—Object of saving life or limb justifying taking of abnormal risks—Standard of duty of employers. **Watt v. Hertfordshire County Council,** Barry J. [1954] 1 W.L.R. 208; C.A. [1954] 1 W.L.R. 835.

Offence against discipline

Case heard by chief officer

Caution administered—Complaint of manner in which hearing conducted—Whether certiorari would issue—Administration of Justice (Miscellaneous Provisions) Act, 1938, s. 7 (2)—Fire Services Act, 1947, s. 4—Fire Services (Discipline) Regulations, 1948, reg. 1 (1). *Ex parte* **Fry,** Divl.Ct. & C.A. [1954] 1 W.L.R. 730.

Voluntary. *See* CHARITY.

FIREARM. (*See also* CRIME; NEGLIGENCE (**Child**).)

Certificate

Ambit

Detachable telescopic sight—No separate certificate necessary—Firearms Act, 1937, s. 32 (1). **Watson v. Herman,** Divl.Ct. [1952] W.N. 308; [1952] 2 All E.R. 70.

" Sporting purposes "—Loan to person not holding certificate with instructions to shoot rats—Firearms Act, 1937, s. 4 (7). **Morton v. Chaney,** Divl.Ct. [1960] 1 W.L.R. 1312.

Meaning

" *Lethal . . . weapon* "

Airgun—Gun capable of causing serious injury only when misused by firing it at close range at vulnerable part of body—Least powerful type of airgun obtainable—Whether lethal weapon—Firearms Act, 1937, ss. 19 (1), 32 (1). **Moore v. Gooderham,** Divl.Ct. [1960] 1 W.L.R. 1308.

FISHERY. (*See also* RIVER POLLUTION.)

Salmon

Close season

Salmon deposited with fishmongers in January on terms that fish could be sold if not required by owners before February 1—Fish consigned to London on January 31 for sale on February 1—Whether offence committed by fishmongers—" In possession for " sale . . . . between August 31 and February 1 "—Salmon and Freshwater Fisheries Act, 1923, s. 30 (1). **Birkett v. McGlassons Ltd.,** Divl.Ct. [1957] 1 W.L.R. 269.

" *Fixed engine* "

Use of—Net with light anchors attached acting as brake—Whether offence committed—" Secured by anchors "—" Stationary "—Salmon and Freshwater Fisheries Act, 1923, ss. 11 (1), 92 (1). **Percival v. Stanton,** Divl.Ct. [1954] 1 W.L.R. 300.

Licence

General—Statutory annual general licences from fishery board to fish—Commercialization of fishing by certain owners—Withholding of general licences from all owners—Whether river board entitled indiscriminately to withhold general licences—Salmon and Freshwater Fisheries Act, 1923, ss. 61, 93 (2)—Hampshire Rivers Fisheries Provisional Order Confirmation Act, 1922, Sch.: Hampshire Rivers Fisheries Provisional Order, 1922, cl. 17. **Mills v. Avon and Dorset River Board,** Vaisey J. [1955] Ch. 341; [1955] 2 W.L.R. 413.

FIXTURE

See CHATTEL.

FOOD AND DRUGS. (*See also* MERCHANDISE MARKS ; WEIGHTS AND MEASURES.)

Act or default of third person

Brokers

Tinned food—Underweight tins sold retail—Whether sale " due to act or default " of import brokers—Brokers not " sellers "—Pre-packed Food (Weights and Measures: Marking) Order, 1950, art. 6 (1), (3). **Lester v. Balfour Williamson Merchant Shippers Ld.,** Divl.Ct. [1953] 2 Q.B. 168; [1953] 2 W.L.R. 1068.

FOOD AND DRUGS—*continued.*

Act or default of third person—*continued.*

Manufacturer

Sale of food unfit for human consumption—Proceedings against manufacturer—Effect of Food and Drugs Act, 1938, s. 9 (2).
Fisher v. Barrett & Pomeroy (Bakers) Ld., Divl.Ct. [1954] 1 W.L.R. 351.

Wholesaler. (*See also* **Milk.**)

Sale of adulterated milk—Retailer charged—Defendant retailer's information against wholesaler—Doubt as to responsibility for adulteration—Whether retailer entitled to dismissal of information—Proof of wholesaler's default necessary to defence—Food and Drugs Act, 1938, ss. 3 (1), 83.
Moore v. Ray, Divl.Ct. [1951] 1 K.B. 98; 66 T.L.R. (Pt. 2) 721; [1950] 2 All E.R. 561.

Sale to prejudice of purchaser—Proceedings against retailer—Contemporaneous proceedings against supplier—Admission that retailer had good defence—Food and Drugs Act, 1938, s. 83 (3). **Fisher v. Yardley's London and Provincial Stores Ld. Same v. Santovin Ld.,** Divl.Ct. [1953] 2 Q.B. 266; [1953] 3 W.L.R. 469.

Bread

Deficiency in weight

Deficiency due to action of some person over whom retailers had no control—Not necessary for retailer to show due diligence used or reasonable precautions taken—Considerable variation in weight—Information correctly laid in respect of individual loaves—Wrapped sliced loaves—Weight of wrapper to be included in the weight of bread—Bread Order, 1953, arts. 1, 3—Sale of Food (Weights and Measures) Act, 1926, s. 6.
Trickers (Confectioners) Ld. v. Barnes, Divl.Ct. [1955] 1 W.L.R. 372.

Butter substitutes

Prohibition

Protection of dairy industry—Validity of statute—Dairy Industry Act, R.S.C. 1927, s. 5 (*a*)—British North America Act, 1867, ss. 91 (2) (27), 92 (13), 95.
Canadian Federation of Agriculture v. Attorney-General for Quebec, J.C. [1951] A.C. 179.

Food

Risk of contamination

Public health—Whether risk of contamination injurious to public health—Food and Drugs Act, 1955, s. 13 (1)—Food Hygiene Regulations, 1955, reg. 8 (*a*).
Mac Fisheries (Wholesale & Retail) Ltd. v. Coventry Corporation, Divl.Ct. [1957] 1 W.L.R. 1066.

Unfit for human consumption

Meat condemned by a justice and ordered to be destroyed—Whether an appeal lay to quarter sessions—Food and Drugs Act, 1938, s. 10.
Regina v. Cornwall Quarter Sessions. *Ex parte* **Kerley,** Divl.Ct. [1956] 1 W.L.R. 906.

Sale of bun containing piece of metal—Prosecution for sale of food "unfit for human "consumption"—Charge not applicable—Food and Drugs Act, 1938, ss. 3, 9 (1).
J. Miller Ld. v. Battersea Borough Council, Divl.Ct. [1956] 1 Q.B. 43; [1955] 3 W.L.R. 559.

Sale of loaf containing piece of string—Prosecution for sale of food "unfit for human "consumption"—Charge not applicable—Food and Drugs Act, 1938, ss. 3, 9 (1).
Turner & Son Ld. v. Owen, Divl.Ct. [1956] 1 Q.B. 48; [1955] 3 W.L.R. 700.

Milk

Adulteration

Analyst's certificate—Effect—Analyst not required by defence to be called—Evidence in explanation—Food and Drugs Act, 1938, s. 81 (1).
Preston v. Fennell, Divl.Ct. [1951] 1 K.B. 16; [1950] 1 All E.R. 1099.

——————— Statement of opinion—Admissibility of certificate—Food and Drugs Act, 1938, s. 81 (1)—Public Analysts Regulations, 1939, reg. 4.
McCulloch v. Hannam, Divl.Ct. [1951] W.N. 162; [1951] 1 T.L.R. 519; [1951] 1 All E.R. 402.

Having in "possession for the purpose of sale"—Act or default of other person—Form of information—Food and Drugs Act, 1938, s. 83 (3)—Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, s. 9 (1) (**c**).
Challand v. Bartlett, Divl.Ct. [1953] 1 W.L.R. 1105.

"Trifling offence"—Duty of justices to convict—Food and Drugs Act, 1938, s. 3.
Evans v. Jones, Divl.Ct. [1953] 1 W.L.R. 1056.

Cleanliness of bottle

Milk bought, bottled and delivered by sub-contractor—Bottle not in a state of thorough cleanliness on delivery—"Use" of bottle by distributor—Absolute liability—Food and Drugs Act, 1938—Food and Drugs (Milk and Dairies) Act, 1944—Milk and Dairies Regulations, 1949, art. 26.
Quality Dairies (York) Ltd. v. Pedley, Divl. Ct. [1952] 1 K.B. 275; [1952] 1 T.L.R. 376; [1952] 1 All E.R. 380.

Fat deficiency

Prosecution of wholesaler—No evidence of adulteration—Milk not tested before sale—"Act or default"—Mens rea—Food and Drugs Act, 1938, ss. 3 (1), 83 (3).
Lamb v. Sunderland and District Creamery Ltd., Divl.Ct. [1951] W.N. 220; [1951] 1 All E.R. 923.

FOOD AND DRUGS—*continued.*

Milk—*continued.*

Price control

Purchaser's request for Guernsey milk—Genuine milk from mixed Channel Islands herd—Milk not in accordance with standard prescribed by price order for Channel Islands milk—Whether offence under Food and Drugs Act—Food and Drugs Act, 1938, s. 3—Milk (Control and Maximum Prices) (Great Britain) Order, 1947.
Highnam v. Turier, Divl.Ct. [1951] W.N. 567; [1951] 2 T.L.R. 951; [1951] 2 All E.R. 850.

Practice

Information

Duplicity—Sale of milk "not of the nature, substance and quality demanded"—Separate offences—Desirability of separate informations—Summary Jurisdiction Act, 1848, s. 10—Food and Drugs Act, 1938, ss. 3, 83.
Moore v. Ray, Divl.Ct. [1951] 1 K.B. 98; 66 T.L.R. (Pt. 2) 721; [1950] 2 All E.R. 561.

FOREIGN CURRENCY. *See* CURRENCY.

FOREIGN JURISDICTION

Decision of Secretary of State

Conclusive

Crown's jurisdiction to extend Colonial Prisoners Removal Act, 1869, to Bahrain—Prisoner "under sentence"—Colonial Prisoners Removal Act, 1869, ss. 4, 5—Foreign Jurisdiction Act, 1890, ss. 4, 5, Sched. I (as amended by the Foreign Jurisdiction Act, 1913) Bahrain Order, 1952, arts. 8, 67, 68—Bahrain (Removal of Prisoners) Order, 1956—Prisoners Removal (Bahrain and St. Helena) Order, 1956.
Al Baker v. Alford, J.C. [1960] A.C. 786; [1960] 3 W.L.R. 121.

FOREIGN LAW

See CONFLICT OF LAWS; EVIDENCE; HUSBAND AND WIFE.

FORFEITURE

See LANDLORD AND TENANT; MORTMAIN; SALE OF GOODS.

FRAUD. (*See also* CRIME; GAMING.)

Burden of proof

Standard of proof

Civil action—Allegation of fraud—Balance of probability.
Hornal v. Neuberger Products Ltd., C.A. [1957] 1 Q.B. 247; [1956] 3 W.L.R. 1034.

Constructive fraud. (*See also* **Vicarious liability**.)

Principal and agent

False representation by agent made innocently—Knowledge by principal of facts which falsified representation—Both principal and agent innocent of fraud—Liability of principal for fraud on ground of agency.
Armstrong v. Strain, Devlin J. [1951] W.N. 223; [1951] 2 T.L.R. 856. C.A. [1952] 1 K.B. 232; [1952] 1 T.L.R. 82; [1952] 1 All E.R. 139.

Fraud to court (discretion to refuse order). (*See also* EQUITY (**Clean hands**).)

Divorce

Denial of adultery—dismissal of wife's petition—Later confession to perjured evidence on behalf of husband—Application for new trial.
Piotrowska v. Piotrowski, C.A. [1958] 1 W.L.R. 797.

Discretion statement—Failure to make—Rescision of decree.
White v. White, Wilmer J. [1952] P. 395; [1952] 2 T.L.R. 534.

Injunction

Trespass to land—False denial of oral permission.
Armstrong v. Sheppard & Short Ltd., C.A. [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84.

Landlord and tenant

Possession application—Perjury by applicant—Finding by judge of greater hardship on landlord—Order refused on account of landlord's perjury on another issue—Whether proper exercise of discretion. **Yelland v. Taylor,** C.A. [1957] 1 W.L.R. 459.

Maintenance

Wife's affidavit concealing remarriage.
Hayfield v. Hayfield, Sachs J. [1957] 1 W.L.R. 473.

Intent to defraud. *See* **Knowledge**; CRIME.

Intent to defraud creditors. *See* BANKRUPTCY; GIFT.

Judgment obtained by

Bastardy

Affiliation order—Perjury by witness called by respondent—Whether certiorari will lie.
Regina v. Ashford, Kent, Justices, *Ex parte* **Richley (No. 2),** C.A. [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778.

Practice

Need to raise issue in separate action.
Stern v. Friedman, Danckwerts J. [1953] 1 W.L.R. 969.

FRAUD—*continued.*

Knowledge of untruth

Construction of document

Circular of defendants misconstrued by them—Test of honest belief.
Akerhielm v. De Mare, J.C. [1959] A.C. 789; [1959] 3 W.L.R. 108.

Vicarious liability. (*See also* **Constructive fraud.**)

Agent

Sale of goods—C.I.F.—Bill of lading forged by seller's forwarding agent—Date altered—Whether seller liable to buyer—Seller first deceived.
Kwei Tek Chao v. British Traders and Shippers Ld., Devlin J. [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365; [1954] 3 W.L.R. 496.

Company

Sale of shares—Fraud of directors—Whether innocent shareholders vicariously liable to purchaser of shares. **Breiss v. Woolley,** C.A. [1953] 2 Q.B. 218; [1953] 2 W.L.R. 608. H.L.(E.) [1954] A.C. 333; [1954] 2 W.L.R. 832.

Servant

Carriage of goods—Conversion—Liability of master for theft by servant—In course of employment. **United Africa Co. Ld. v. Saka Owoade,** J.C. [1955] A.C. 130; [1955] 2 W.L.R. 13.

Vitiates all transactions

Notice

Fraudulent statement in—Validity—Housing Repairs and Rents Act, 1954, Sch. II.
Lazarus Estates Ltd. v. Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502.

Who may sue

Sale of goods

Motor vehicle—False statement in registration book—String contracts.
Routledge v. McKay, C.A. [1954] 1 W.L.R. 615.

FRIENDLY SOCIETY

Libel action against. *See* Libel and Slander.

Rating. *See* Rating ("**Social welfare**").

Trustee

Power to appoint corporate body as sole trustee

Friendly Societies Act, 1896.
In re **Pilkington Brothers Ld.,** Danckwerts J. [1953] 1 W.L.R. 1084.

FRUSTRATION

See Contract.

FUGITIVE OFFENDER. (*See also* Extradition.)

Application of Act

India

Whether Act applies to Republic of India—Whether "unjust and oppressive" to return him—India (Consequential Provision) Act, 1949, s. 1 (1) (3)—Fugitive Offenders Act, 1881, ss. 5, 10. **Reg. v. Brixton Prison Governor.** *Ex parte* **Mubarak Ali Ahmed,** Divl.Ct. [1952] W.N. 217; [1952] 1 T.L.R. 964.

Court's jurisdiction to discharge

Special circumstances

Offence committed in South Africa—No criminal proceedings—Offender allowed to return to England with dependants—Warrant subsequently issued in South Africa—Application for extradition—Arrest of offender in England—Jurisdiction of court to discharge—Special circumstances—Fugitive Offenders Act, 1881, s. 10.
Rex v. Brixton Prison Governor. *Ex parte* **McCheyne,** Divl.Ct. [1951] 1 T.L.R. 1155.

Discharge after one month

Jurisdiction of superior court

"May, unless sufficient cause is shown to the contrary"—Whether "may" means must—Fugitive Offenders Act, 1881, s. 7.
In re **Shuter,** Divl.Ct. [1960] 1 Q.B. 142; [1959] 3 W.L.R. 652.

Habeas corpus

Jurisdiction

Unlawful detention of applicant—Jurisdiction to remit matter to magistrate.
Reg. v. Brixton Prison Governor. *Ex parte* **Shuter,** Divl.Ct. [1960] 1 Q.B. 89; [1959] 3 W.L.R. 603.

Offences within Act

Evidence

Order by dominion court—Offences "punishable . . . by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment"—Order setting out punishments—Whether admissible as evidence of punishments stated in it—Whether statements as to punishments statements of fact or law—Fugitive Offenders Act, 1881, ss. 9, 29.
Reg. v. Brixton Prison Governor. *Ex parte* **Shuter,** Divl.Ct. [1960] 1 Q.B. 89; [1959] 3 W.L.R. 603.

GAMING

Betting

Contribution to insolvency by gambling

Liability for income tax at date of receiving order—Large sums lost by gambling within two previous years—Whether offence committed—Bankruptcy Act, 1914, s. 157 (1) (*a*) (*b*). **Reg. v. Vaccari,** C.C.A. [1958] 1 W.L.R. 287.

Loan to pay losses

Backer's inability to pay gaming debt—Loan by creditor bookmaker—Backer's payment of debt with proceeds of loan—Default in repayment of loan—Claim by bookmaker. **MacDonald v. Green,** C.A. [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240.

Fraud

Winning money by fraud in wagering—Gaming Act, 1845, s. 17. **Reg. v. Clucas and O'Rourke,** C.C.A. [1959] 1 W.L.R. 244.

Promise to pay

Betting debt—Promise to pay by father of debtor—Enforceability—Gaming Act, 1845, s. 18. **Coral v. Kleyman,** Croom-Johnson J. [1951] W.N. 138; [1951] 1 All E.R. 518.

Debtor and creditor both dead—Onus of proving whether debt is enforceable—Proof of debt admitted by debtor's trustee in bankruptcy. *In re* **Browne (A Bankrupt),** Cross J. [1960] 1 W.L.R. 692.

Ready-money betting

Receiving money in street on behalf of bookmaker—Defendant charged with assisting in conducting a betting business contrary to section 3 of the Betting Act, 1853—Defendant guilty of offence under section 4—No offence committed under section 3—Betting Act, 1853, ss. 1, 3, 4. **Baxter v. Keldon,** Divl.Ct. [1955] 1 W.L.R. 84

Bookmaker

Overcharge

Entrance money to dog-racing track—Action to recover amounts overcharged—No remedy save by criminal proceedings—Betting and Lotteries Act, 1934, s. 13 (1) (2). **Green v. Portsmouth Stadium Ld.,** Parker J., C.A. [1953] 2 Q.B. 190; [1953] 2 W.L.R. 1206.

Issue of writ

Fictitious indorsement. See CONTEMPT OF COURT.

Lottery

Gaming machine outside shop premises

Charge under general section—Whether section creates offence—Betting and Lotteries Act, 1934, s. 21. **Sales-Matic Ltd. v. Hinchcliffe,** Divl.Ct. [1959] 1 W.L.R. 1005.

Licensed premises

Bowling club conducting small lottery in public house—Whether "gaming"—If so, whether such gaming on licensed premises protected by Acts of 1934 and 1956—Betting and Lotteries Act 1934, ss. 21, 22—Licensing Act, 1953, s. 141—Small Lotteries and Gaming Act, 1956, ss. 1, 4, 5 (1). **Smith v. Wyles,** Divl.Ct. [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528

Lottery tickets

Large stocks printed for sale to promoters of private lotteries—Tickets sold to purchaser who used them for illegal lottery—Not promoted or proposed at time when tickets printed or sold—Printing tickets for use in lottery—"The lottery"—Meaning—Betting and Lotteries Act, 1934, s. 22 (1) (*a*) (*b*), 30 (3). **McKay v. Gillies,** Divl.Ct. [1956] 1 W.L.R. 1402.

"Private lottery"

Supporters' club of football club—Money raised by various means including a weekly lottery—Whether club "conducted for purposes not connected with . . . lotteries"—Betting and Lotteries Act, 1934, s. 24 (1).
Maynard v. Williams, Divl.Ct. [1955] 1 W.L.R. 54.
Pearse v. Hart, Divl.Ct. [1955] 1 W.L.R. 67n.

GARNISHEE

See ASSIGNMENT **(Legal)**; PRACTICE.

GAS

Gas works

Ventilation

Fumes injurious or offensive to persons employed—"Offensive"—Factories Act, 1937, ss. 4 (1), 47 (1). **Coote v. Eastern Gas Board,** Byrne J. [1953] 2 W.L.R. 592.

Nationalization

Compensation

Compensation to holders of securities—Determination of values—"Relevant factors" to be taken into account—Gas Act, 1948, s. 25 (2) (10). **Studholme v. Minister of Fuel and Power,** C.A. [1951] 2 K.B. 804; [1951] 2 T.L.R. 737; [1951] 2 All E.R. 371, 612.

Liabilities transferred

Agreement by solicitor with gas undertaking—Undertaking vested in area board—Reference to undertaker in agreement to be read as if reference to area board—Remuneration

GAS—*continued.*

Nationalization (*Liabilities transferred*)—*continued.*

to be calculated on the basis of undertaker's share and loan capital—Whether board's share and loan capital to be substituted—" Loan capital "—Meaning—Gas stock—Finance Act, 1899, **s. 8 (5)—Gas Act, 1948, s. 17 (3) (*b*).**
Studholme v. South Western Gas Board, Lynskey J. [1954] 1 W.L.R. 313.

Plaintiff's agreement with gas company for annuity—Disclaimer by Area Gas Board—Reference to Gas Arbitration Tribunal—Notice of disclaimer revoked—Action by plaintiff against board under agreement for annuity—Jurisdiction of High Court—Gas Act, 1948, ss. 22 and 36.
O'Meara v. South-Eastern Gas Board, C.A. [1951] 1 K.B. 307; [1950] 2 All E.R. 481.

Limitation of action

Action against Gas Board for breach of statutory duty of predecessors—Whether six years' or three years' limitation—Limitation Act, 1939, s. 2 (1)—Gas Act, 1948, ss. 14 (2), 17 (1), (5). **Coote v. Eastern Gas Board,** Byrne J. [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592.

Property transferred

Acquisition of undertaking of local authority—General rate fund—Claim by gas board for amounts debited in gas undertaking accounts and credited in other accounts—Determination of claim by Minister of Health—Ouster of jurisdiction—Gas Act, 1948, s. 37 (1) (2). **East Midlands Gas Board v. Doncaster Corporation,** Hallett J. [1953] 1 W.L.R. 54.

Surplus profits

Acquisition of undertaking of local authority—Surplus profits of gas undertaking—Earned before but ascertained after vesting date—Claim to recover from gas board for application for rates—Effect of Gas Act, 1948, on Hinckley Local Board Gas Act, 1880—Hinckley Local Board Gas Act, 1880, ss. 43, 44—Hinckley Gas Order, 1922, para. 32—Hinckley Gas Order, 1928, para. 25—Gas Act, 1948, s. 56.
Hinckley Urban District Council v. West Midlands Gas Board, Lloyd-Jacob J. [1951] Ch. 335; [1951] 1 T.L.R. 146; [1951] 1 All E.R. 160.
C.A. [1951] Ch. 577; [1951] 1 T.L.R. 771; [1951] 1 All E.R. 788.

Right of entry

Statutory powers

Householder with prepayment gas meter—Inability of gas officials to obtain entry for collection and inspection—Forcible entry—Whether within statutory powers—Gas Act, 1948, Sch. III, paras. 34, 35 and 36
Grove v. Eastern Gas Board, Hilbery J. [1951] 2 K.B. 586; [1951] 2 T.L.R. 165.
C.A. [1952] 1 K.B. 77; [1951] 2 T.L.R. 1128; [1951] 2 All E.R. 1051.

GHANA. *See* WEST AFRICA.

GIFT. (*See also* ADVANCEMENT; ASSIGNMENT; DAMNOSA HEREDITAS; UNDUE INFLUENCE; WILL.)

Donatio mortis causa

Delivery

Symbolic—Subject-matter of gift in trunk and safe—Key of trunk given by donor to donee—Key of safe in trunk.
In re **Lillingston, decd.,** Wynn-Parry J. [1952] W.N. 338; [1952] 1 T.L.R. 1622; [1952] 2 All E.R. 184.

Savings bank books and deposit account books

Gift of books by donor near to death—Whether books operated as donatio of money deposited. **Birch v. Treasury Solicitor,** C.A. [1951] Ch. 298; [1951] 1 T.L.R. 228.

Incomplete gift

Rule in Strong v. *Bird*

Imperfect gift of motor-car—Possession not taken by donee—Donor's loan of motor-car to third person—Donee appointed one of donor's executors—Whether gift perfected.
In re **Freeland,** C.A. [1952] Ch. 110; [1951] 2 T.L.R. 1076.

Settlement—" A " investments settled on daughter—Investments not transferred to settlement trustees—Imperfect gift—Settlement forgotten by settlor—Proceeds of sale of investments dealt with by settlor during her life—Daughter and settlement trustees appointed executors of settlor's will—Whether imperfect gift in settlement perfected.
In re **Wale, decd.,** Upjohn J. [1956] 1 W.L.R. 1346.

Intent to defraud creditors

Proof

Gift by insolvent donor—No proof of fraudulent intent—Whether voidable -Law of Property Act, 1925 (15 & 16 Geo. 5, c. 20), s. 172.
In re **Eichholz, decd.,** Harman J. [1959] Ch. 708; [1959] 2 W.L.R. 200.

GOLD. *See* PLATE.

GOLD CLAUSE. (*See also* CURRENCY.)

Landlord and tenant

Whether lawful in domestic contract

Lessee to pay stipulated rent " either in gold sterling or Bank of England notes to the " equivalent value in gold sterling "—Whether words define measure of lessee's obligation or mode of discharge—Meaning of " gold sterling "—Whether " value " means

GOLD CLAUSE—*continued.*

Landlord and tenant (*Whether lawful in domestic contract*)—*continued.*

nominal currency value or intrinsic gold content value of gold coins of sterling currency —Whether clause contrary to public policy—Coinage Act, 1870, s. 6.
Treseder-Griffin v. Co-operative Insurance Society Ltd.,
Lord Goddard C.J. [1955] 3 W.L.R. 996;
C.A. [1956] 2 Q.B. 127; [1956] 2 W.L.R. 866.

GOLD COAST
See West Africa.

GOODS VEHICLE
See Road Traffic.

GOVERNMENT DEPARTMENT. *See* Crown; Crown Proceedings.

GUARANTEE

Banking account

Husband and wife

Guarantee by husband to bank of wife's housekeeping account—Payment by husband under guarantee—Right of reimbursement—Presumption of advancement.
Anson v. Anson, Pearson J. [1953] 1 Q.B. 636; [1953] 1 W.L.R. 573.

Hire-purchase agreement. *See* Hire-Purchase.

Sale of goods

F.O.B.

Construction of contract—Undertaking by vendor to furnish "a guarantee"—Third-party guarantee not furnished—Personal guarantee given by vendor—Whether a good discharge of contractual undertaking.
Heisler v. Anglo-Dal Ld., C.A. [1954] 1 W.L.R. 1273.

HABEAS CORPUS. (*See also* Extradition; Fugitive Offender.)

Criminal cause or matter

Discharge before trial

Conditions precedent to application—Habeas Corpus Act, 1679, s. 6.
Reg. v. Campbell, Laski J. [1959] 1 W.L.R. 646.

Successive applications

Refusal of applications by Queen's Bench Divisional Court—Application renewed to Chancery Divisional Court—Based on same evidence and same grounds—Whether court entitled to entertain application—Applications to different judges of same Division—Habeas Corpus Act, 1679, s. 2—Habeas Corpus Act, 1816, ss. 3, 6—Supreme Court of Judicature Act, 1873, ss. 2, 46—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 1, 63.
In re **Hastings (No. 3),** Divl.Ct. [1959] Ch. 368; [1959] 2 W.L.R. 454.
C.A. [1959] 1 W.L.R. 807.

——————————— Application renewed to Queen's Bench Divisional Court differently constituted—Based on same evidence and same grounds—Whether court entitled to entertain application—Applications to different judges of same Division—Habeas Corpus Act, 1679, s. 2—Habeas Corpus Act, 1816, ss. 3, 6—Supreme Court of Judicature (Consolidation) Act, 1925, s. 63.
In re **Hastings (No. 2),** Divl.Ct. [1958] 3 W.L.R. 768.

Detention by inferior court

Power of superior court

Return to writ ordered—Court's power to examine truth of facts set out in return—Power to inquire whether there was evidence on which magistrate could make reception order—Mental defective—Reception order—Habeas Corpus Act, 1816, ss. 3, 4.
Regina v. Board or Control. *Ex parte* **Rutty,**
Divl.Ct. [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822.

Prisoner serving sentence

Application by—Practice. *In re* **Wring (Practice Note),** Divl.Ct. [1960] 1 W.L.R. 138.

Maintenance

Justices

Committal order—Suspension on conditions—Conditions not complied with—Release of suspension—Committal warrant—Validity—Money Payments (Justices Procedure) Act, 1935, s. 11. **Regina v. Governor of H.M. Bedford Prison.** *Ex parte* **Ames,**
Divl.Ct. [1953] 1 W.L.R. 607.

Prisoner serving sentence

Application by

Conviction and sentence by competent court—Applicant lawfully in custody—No grounds for issue of writ. *In re* **Corke. (Practice Note),** Divl.Ct. [1954] 1 W.L.R. 899.

Protectorate

Jurisdiction

Restriction order requiring native of Northern Rhodesia to remain in certain district of Northern Rhodesia—Restriction order made by Governor of Northern Rhodesia—Whether Northern Rhodesia "foreign dominion" of Crown—Whether foreign territory

HABEAS CORPUS—*continued.*

Protectorate (*Jurisdiction*)—*continued.*

—Jurisdiction to issue writ to governor—Jurisdiction of court to issue writ overseas—Whether Secretary of State for Colonies a custodian—Whether amenable to issue of writ—Habeas Corpus Act, 1862, s. 1. *Ex parte* **Mwenya,** Divl.Ct. [1959] 3 W.L.R. 509.
C.A. [1960] 1 Q.B. 241; [1959] 3 W.L.R. 767.

HACKNEY CARRIAGE

See Metropolis.

HANCOCK v. WATSON, RULE IN

See Settlement.

HARBOUR. *See* Dock.

HARBOURING. See Enticement.

HAWKERS AND PEDLARS

Pedlar

Meaning

Salesmen travelling to town in motor-van—Motor-van left in town—Salesmen going from house to house on foot offering goods for sale—"Travels and trades on foot or "goes from town to town or to other men's houses"—Whether salesmen travelling "on foot"—Whether salesmen "pedlars"—Pedlars Act, 1871, ss. 3, 4.
Sample v. Hulme, Divl.Ct. [1956] 1 W.L.R. 1319.

HERALDRY

See Court of Chivalry; Ecclesiastical Law; Name and Arms Clause.

HIGH COURT, CONSTITUTION OF

Division

Judge of High Court

Assignment to particular Division—Divisions not separate courts.
In re **Hastings (No. 3),** Divl.Ct. [1959] Ch. 368; [1959] 2 W.L.R. 454.
C.A. [1959] 1 W.L.R. 807.

Divisional Court

Jurisdiction

Jurisdiction of judge to reserve point for its consideration—Chancery Division—Supreme Court of Judicature Act, 1873, s. 46.
In re **Hastings (No. 3),** Divl.Ct. [1959] Ch. 368; [1959] 2 W.L.R. 454.
C.A. [1959] 1 W.L.R. 807.

HIGH COURT OF CHIVALRY

See Court of Chivalry.

HIGHWAY. (*See also* Nuisance; Road Traffic.)

Access

Adjoining owner

Proposal by highway authority to erect "refuge" at point where means of access emerged on to highway. **Ching Garage Ltd. v. Chingford Corporation,**
Lord Parker C.J. [1959] 1 W.L.R. 959.
C.A. [1960] 1 W.L.R. 947.

Case stated

Quarter sessions

Interferences from facts found by quarter sessions—No error in law—Intention to dedicate footpath—Supreme Court of Judicature (Consolidation) Act, 1925, s. 25—National Parks and Access to the Countryside Act, 1949, s. 31 (7).
Chivers & Sons Ltd. v. Cambridge County Council,
C.A. [1957] 2 Q.B. 68; [1957] 2 W.L.R. 646.

Closure

Minister's order

Highway, by Regulation and Inclosure (Totternhoe) Provisional Orders Confirmation Act, 1886, "so far as practicable to be preserved in its present condition"—Right of user of others granted to public by same Act—Principle of Generalia specialibus non derogant not applicable—Act of 1886 not overridden by Minister's order—Town and Country Planning Act, 1947, ss. 12 (2), 49 (1), 118 (1)—Stopping up of Highways (Bedfordshire) (No. 1) Order, 1949.
Harlow v. Minister of Transport, C.A. [1951] 2 K.B. 98.

Easement. *See* **Right of way**; Easement.

Non-feasance of local authority. (*See also* Local Government (**Nuisance**).)

New road

Statutory vesting in local authority—Accident caused by projecting kerb of island adjacent to roundabout—Negligence—Highway constructed by county council and subsequently vesting in local authority—Liability of local authority in claim for damages—Development and Road Improvement Funds Act, 1909, s. 10—Local Government Act, 1929, s. 32. **Baxter v. Stockton-on-Tees Corporation,** C.A. [1959] 1 Q.B. 441;
[1958] 3 W.L.R. 275.

HIGHWAY—*continued.*

Non-feasance of local authority—*continued.*

Inadequate drainage

Drainage works carried out by highway authority—Insufficient work done—Accident caused thereby—Whether misfeasance or nonfeasance.
Burton v. West Suffolk County Council, C.A. [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745.

Obstruction. *See* NUISANCE.

One-way street

Powers of local authority

Unrestricted power under early Act—Limited power under later Act—No order by Minister under later Act—Whether order valid—Town Police Clauses Act, 1847, s. 21—Road Traffic Act, 1930, s. 46 (1) and (2), as amended by Road and Rail Traffic Act, 1933, s. 29 (4). **Brownsea Haven Properties Ltd. v. Poole Corporation,**
Vaisey J. [1957] 3 W.L.R. 669.
C.A. [1958] Ch. 574; [1958] 2 W.L.R. 137.

Private road

Transfer to parish

Alternative methods—" Acte " of parish assembly accepting offer of transfer—Validity—Transfer by registered contract passed before court.
Nicolle v. Wigram, J.C. [1954] A.C. 301; [1954] 2 W.L.R. 962.

Private street works

Abandonment of resolution to make up road

Whether later resolution valid—No notice of abandonment of prior resolution—Private Street Works Act, 1892, ss. 6, 7, 8, 11.
R. & T. Glynn Evans v. Liverpool Corp., Divl.Ct. [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749.

Expenses

Apportionment—Appeal—Power of Minister—Point of law—Public Health Act, 1875, s. 268. **Regina v. Minister of Housing and Local Government.**
Ex parte **Finchley Borough Council,** Divl.Ct. [1955] 1 W.L.R. 29.

Footpath

New street coming into existence between 1938 and December 16, 1949—Footpath not within section 23 of the Highway Act, 1835—Footpath a highway repairable by the inhabitants at large—Urban authority not entitled to make up under Private Street Works Act, 1892—Highway Act, 1835, ss. 5, 23—Private Street Works Act, 1892, s. 7.
Robinson v. Richmond (Surrey) Borough Council, Divl.Ct. [1955] 1 Q.B. 401; [1955] 2 W.L.R. 333.

Occupation way—Strip of land laid out as occupation way—Subsequent use by public for right of way on foot only—Whether a highway repairable by inhabitants at large—Highway Act, 1835, s. 23—Private Street Works Act, 1892, ss. 5, 7.
Margate Corporation v. Roach, Divl.Ct. [1960] 1 W.L.R. 1380.

Road made in 1885—Laid out alongside of public footpath repairable by inhabitants at large—Further section of footpath diverted to lie alongside new road—Unfenced—Whole of road including footpath used by public on foot—No repairs carried out by local authority except to footpath—Whether road a " street " not repairable by inhabitants—Whether footpath fronts on street—Whether private premises fronting footpath " front " or " adjoin " street—Highway Act, 1835, s. 23—Private Street Works Act, 1892, ss. 5, 6, 8. **Ware Urban District Council v. Gaunt,** Divl.Ct. [1960] 1 W.L.R. 1364.

Improvements by local authority

Material defect in resolution—No reference to street lighting or sewering—Specification providing for new street lighting and surface water drainage—Limitation on power of justices to amend resolution—" Channel "—Meaning of—Whether apt to cover subterranean drainage.
Ware Urban District Council v. Gaunt, Divl.Ct. [1960] 1 W.L.R. 1364.

Surface water drainage system laid down in private street in 1923—System vested in local authority—Proposed enlargement of system—Apportionment of expense on frontagers—Local authority satisfied or deemed to be satisfied with existing system—Whether local authority empowered to require frontagers to contribute to expense—Private Street Works Act, 1892, ss. 6, 9 (1).
Poole Corporation v. Blake, Divl.Ct. [1956] 1 Q.B. 206; [1955] 3 W.L.R. 757.

Objection to proposals

" Insufficient and unreasonable "—Proposed work premature—Jurisdiction of justices—Private Street Works Act, 1892, s. 7 (*d*).
Southgate Borough Council v. Park Estates (Southgate) Ld.,
Divl.Ct. [1953] 1 W.L.R. 1274.
C.A. [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337.

Jurisdiction of justices—Evidence—Objection that alleged street is highway repairable by inhabitants at large—Onus of proof on local authority—Private Street Works Act, 1892, ss. 5, 6, 7, 8.
Huyton-with-Roby Urban District Council v. Hunter, C.A. [1955] 1 W.L.R. 603.

HIGHWAY—*continued.*

Private street works (*Objection to proposals*)—*continued.*

Jurisdiction of justices—Resolution to make up street and apportion expenditure on one basis—Service of notices—Further resolution on different basis—Whether valid—Private Street Works Act, 1892, ss. 6, 7, 10, 11.
Wilson v. Wrexham Corpn., Divl.Ct. [1960] 1 W.L.R. 319.

Refuge

Power to erect

Power of highway authority to erect "refuge" at point where means of access emerged on to highway—"Carriageway"—Whether refuge prevented access to highway—Highways Act, 1959, ss. 67 (1) (2) (3), 68 (1), 85 (1) (*a*), (3) (*d*), 295 (1).
Ching Garage Ltd. v. Chingford Corpn., Lord Parker C.J. [1959] 1 W.L.R. 959.
C.A. [1960] 1 W.L.R. 947.

Right of way

Dedication

Footpath over private accommodation bridge—Presumption of dedication by long user by public—Power of railway authority to dedicate—Test to be applied.
British Transport Commission v. Westmorland County Council,
Divl.Ct. [1956] 2 W.L.R. 428;
C.A. [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1022.
H.L.(E.) [1958] A.C. 126; [1957] 2 W.L.R. 1032.

Footpath over private land

Uninterrupted user by public for more than 20 years—Owner's objection to use by public other than local residents in 1931—No intention to dedicate thereafter—Whether right to use land "brought into question"—Effect of Rights of Way Act, 1932—Whether retrospective—Rights of Way Act, 1932, ss. 1, 2.
Fairey v. Southampton County Council, Divl.Ct. [1956] 2 W.L.R. 517;
C.A. [1956] 2 Q.B. 439; [1956] 3 W.L.R. 354.

National parks

Application for declaration under National Parks and Access to the Countryside Act, 1949—Original jurisdiction of quarter sessions to make declaration—Jurisdiction in High Court to hear application on case stated—Quarter Sessions Act, 1849, s. 11—National Parks and Access to the Countryside Act, 1949, s. 31.
British Transport Commission v. Worcestershire County Council,
Divl.Ct. [1954] 1 W.L.R. 850.

Private right

Private right co-existent with public right—Closing order of highway by quarter sessions—Whether private easement affected—Highways Act, 1835, s. 91.
Walsh v. Oates, C.A. [1953] 1 Q.B. 578; [1953] 2 W.L.R. 835.

"Road." *See* ROAD TRAFFIC.

Tithe redemption annuity

Liability of highway authority to contribute

Law of Property Act, 1925, s. 7 (1)—Local Government Act, 1929, s. 29—Tithe Act, 1936, ss. 10, 17 (1) (3).
Tithe Redemption Commission v. Runcorn Urban District Council,
Danckwerts J. [1953] 3 W.L.R. 845.
C.A. [1954] Ch. 383; [1954] 2 W.L.R. 518.

Trunk road

Verge

Right to drive on to grass verge—Provision of parking place for vehicles on verge—Powers of Minister of Transport—Powers of local authority—Highway Act, 1864, ss. 47, 48—Public Health Act, 1925, s. 68.
Rodgers v. Ministry of Transport, Lord Goddard C.J. [1952] W.N. 136;
[1952] 1 T.L.R. 625; [1952] 1 All E.R. 634

Vesting in local authority

Vesting by statute

Determinable fee simple in surface.
Tithe Redemption Commission v. Runcorn Urban District Council,
Danckwerts J. [1953] 3 W.L.R. 845.
C.A. [1954] Ch. 383; [1954] 2 W.L.R. 518.

HIRE. *See* BAILMENT.

HIRE-PURCHASE

Credit control

Mens rea

Finance company unaware that requirements not complied with—Whether guilty of an offence—Hire-purchase and Credit Sale Agreements (Control) Order, 1956, art. 1.
Reg. v. St. Margarets Trust Ltd., C.C.A. [1958] 1 W.L.R. 522.

Guarantee

Motor-car

Dealer's guarantee to finance company of hirer's payments—Provision that guarantee not to be avoided by company's giving time to hirer—Proviso that dealer be informed

HIRE-PURCHASE—*continued.*

Guarantee (*Motor-car*)—*continued.*

when instalment more than thirty days "overdue"—Extension of time for payment granted by company to hirer—When dealer to be informed—"Overdue"—Meaning. **Midland Counties Motor Finance Co. Ltd. v. Slade,** C.A. [1951] 1 K.B. 346; [1950] 2 All E.R. 821.

Indemnity against loss sustained through default by hirer—Repudiation of agreement by hirer—Car sold in breach of agreement—Acceptance of repudiation by owners—Liability of guarantor. **Chatterton v. Maclean,** Parker J. [1951] 1 All E.R. 761.

Hire-purchase agreement. *See also* Bill of Sale.

Assignment

Prohibition against assignment of goods or benefit of agreement—Option to purchase—Sale of goods by hirer—Tender of balance of hire and purchase price by purchasers—Purchasers without rights under hire-purchase agreement—Damages not restricted to balance of hire and purchase price. **United Dominions Trust (Commercial) Ld. v. Parkway Motors Ld.,** McNair J. [1955] 1 W.L.R. 719.

Enforceability

Agreement incorporating promissory note—Validity of promissory note—Hire-Purchase Act, 1938, ss. 4, 5 (*c*). **United Dominions Trust Ld. v. Bycroft,** C.A. [1954] 1 W.L.R. 1345

Blank forms signed by hirer—Whether "valid note or memorandum of the agreement ". . . made and signed by the hirer"—Unenforceable agreement—Whether right to possession of owner enforceable against third parties—Hire Purchase Act, 1938, ss. 2 (2), 17. **Eastern Distributors Ltd. v. Goldring (Murphy, Third Party),** C.A. [1957] 2 Q.B. 600; [1957] 3 W.L.R. 237.

Hirer's refusal to accept goods

Lender's remedy—Claim for unpaid hiring charges not sustainable—Lender's remedy in damages only. **Karsales (Harrow) Ltd. v. Wallis,** C.A. [1956] 1 W.L.R. 936.

Implied statutory condition

Fitness for purpose—Acknowledgment by hirer of fitness of car—Whether hirer estopped from alleging that implied statutory condition broken—Hire-Purchase Act, 1938, s. 8 (2) (3). **Lowe v. Lombank,** C.A. [1960] 1 W.L.R. 196.

Option to purchase

Motor-car—Initial payment "in consideration of option to purchase"—Contract validly terminated by owners before option exercised—Whether initial payment recoverable as money paid for a consideration which had wholly failed—Nature of right of option to purchase in hire-purchase agreement. **Kelly v. Lombard Banking Co. Ltd.,** C.A. [1959] 1 W.L.R. 41.

"Subject to the enactment of the necessary legislation"—Whether hire-purchase agreement—Agreement not fulfilling requirements of Hire-Purchase and Credit Sale Agreements (Control) Order, 1952, art. 1, Sch. 2—Hire-Purchase Act, 1938, s. 21. **Reg. v. R. W. Proffitt Ltd.,** Jones J. [1954] 2 Q.B. 35; [1954] 2 W.L.R. 1001.

Penalty. See Contract.

Recourse agreement

Recourse agreement with third party taking effect on termination of hiring agreement—Breach of hiring agreement—Notification to hirer that declaration of agreement terminated necessary before recourse agreement became effective. **Reliance Car Facilities Ltd. v. Roding Motors,** C.A. [1952] 2 Q.B. 844; [1952] 1 T.L.R. 1370; [1952] 1 All E.R. 1355.

Warranty

Sale of second-hand car—Dealer's express warranty of condition to buyer—Car in dangerous condition sold by dealer to finance company—Hire-purchase agreement between company and buyer—Buyer injured in collision caused by dangerous condition of car—Breach of warranty—Enforceability against dealer—Measure of damages. **Andrews v. Hopkinson,** McNair J. [1957] 1 Q.B. 229; [1956] 3 W.L.R. 732.

Practice

Praecipe

Proceedings against hirer for recovery of hired goods "commenced," on filing of praecipe—Hirer not served with summons—Whether "made" party to action by being named as defendant in praecipe—Attempt to continue action against guarantor alone—Hire-Purchase Act, 1938, s. 12 (1) (2). **United Motor Finance Corporation Ltd. v. Turner,** C.A. [1956] 2 Q.B. 32; [1956] 2 W.L.R. 730.

HONG KONG

Criminal law

Murder

Self defence—Onus of proof on prosecution throughout—Issue of provocation expressly withdrawn from jury—Fit case for jury on provocation—Verdict of manslaughter substituted for murder. **Chan Kau v. The Queen,** J.C. [1955] A.C. 206; [1955] 2 W.L.R. 192.

HONG KONG—*continued.*

Landlord and tenant

Business premises

Claim to possession—"Entirely new buildings"—Excluded from operation of Act—Test of "new building"—Estoppel—Cannot be founded on representation of law—Landlord and Tenant Ordinance (Hong Kong), No. 25 of 1947, s. 3 (1) (*a*).
Kai Nam v. Ma Kam Chan, J.C. [1956] A.C. 358; [1956] 2 W.L.R. 767.

HOSPITAL.

See CHARITY; NATIONAL HEALTH SERVICE; NEGLIGENCE **(Hospital).**

HOTCHPOT

Advancement of land

Option of heir to bring in property or its value

Title of purchaser of land advanced—(Ceylon) Matrimonial Rights and Inheritance Ordinance (Laws of Ceylon, 1938, c. 47).
Murugiah v. Jainudeen, J.C. [1955] A.C. 145; [1954] 3 W.L.R. 682.

Intestacy

Partial intestacy

Life interests brought into account—Method of valuation—Administration of Estates Act, 1925, ss. 47, 49.
In re **Morton, decd.,** Danckwerts J. [1956] Ch. 644; [1953] 3 W.L.R. 663.

Trusts in favour of issue—Discretionary trusts in favour of two children, X and Y—Death of Y, a bachelor, before testator—Whether X's personal representative required to bring X's share into account before participating in Y's—"Beneficial interest"—"Issue"—Administration of Estates Act, 1925, ss. 47 (1) (iii), 49.
In re **Young,** Harman J. [1951] Ch. 185; [1950] 2 All E.R. 1245.

Settlement

After-acquired property

Marriage settlement—To be settled "upon the trusts" declared of other fund—Whether funds amalgamated—Accretion—Effect of hotchpot provision.
In re **Rydon's Settlement,** C.A. [1955] Ch. 1; [1954] 3 W.L.R. 480.

Life interests

No valuation when life interests fell into possession—Subsequent death of one tenant for life—Valuation—Whether interest payable in respect of interests brought into hotchpot.
In re **Thompson Settlement Trusts,** Roxburgh J. [1953] Ch. 414; [1953] 2 W.L.R. 978.

HOTEL

See INN; LICENSING.

HOUSE OF COMMONS. *See* PARLIAMENT.

HOUSE OF LORDS. (*See also* COSTS; JUDICIAL PRECEDENT.)

Appeal on question of fact. *See* COURT OF APPEAL.

Leave to appeal. (*See also* CRIME **(Appeal)**.)

Court of Appeal, by

Interlocutory matter. **Entores Ld. v. Miles Far East Corporation,** C.A. [1955] 2 Q.B. 327; [1955] 3 W.L.R. 48.

Preliminary point of law. **Adler v. Dickson (Practice Note),** C.A. [1954] 1 W.L.R. 1482.

Matrimonial cause

Infant—Custody—Religious upbringing—No appeal except by leave of Court of Appeal—Supreme Court of Judicature (Consolidation) Act, 1925, s. 27 (2).

——— ——— ——————— Whether question of law raised—Question of discretion—Supreme Court of Judicature (Consolidation) Act, 1925, s. 27 (2).
B. v. B. (No. 3), C.A. [1955] 1 W.L.R. 559.

Mental deficiency

Refusal by Court of Appeal of leave to appeal against refusal of High Court of leave to bring proceedings—Whether jurisdiction to grant leave to appeal to House of Lords—Lunacy Act, 1890, s. 330 (2)—Mental Treatment Act, 1930, s. 16 (1)—Appellate Jurisdiction Act, 1876, s. 3—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (i). **Whitehouse v. Board of Control,** H.L.(E.) [1960] 1 W.L.R. 1093.

Terms

Money in dispute deposited at low rate of interest.
Inland Revenue Commissioners v. Wood Brothers (Birkenhead) Ltd., H.L.(E.) [1958] 1 W.L.R. 64.

New point raised on appeal

Discretion of House

General rule. **South of Scotland Electricity Board v. British Oxygen Co. Ltd.,** H.L.(Sc.) [1956] 1 W.L.R. 1069.

Practice

Appeal

Time for appeal—Documents—Judgment of court below.
Practice Direction, H.L.(E.) [1959] 1 W.L.R. 249.

HOUSE OF LORDS—*continued.*

Retrial

No finding by judge on one issue

Question of fact—Point reserved but not argued—Retrial refused.
Gough v. National Coal Board, Salmon J. [1957] 1 W.L.R. 973.
C.A. [1959] 1 Q.B. 189; [1958] 2 W.L.R. 735.
H.L.(E.) [1959] A.C. 698; [1959] 2 W.L.R. 658.

HOUSING. (*See also* PUBLIC HEALTH.)

" Agricultural population "

Meaning

Housing Act, 1936, s. 115 (2).
Fawcett Properties Ltd. v. Buckingham County Council, C.A. [1959] Ch. 543; [1959] 2 W.L.R. 881.
H.L.(E.) [1960] 3 W.L.R. 831.

Compulsory purchase. (*See also* COMPULSORY PURCHASE.)

" Needs of the district "

Compulsory purchase of land for housing—Duty of housing authority to consider " the " needs of the district "—Construction—Housing Act, 1936, s. 71.
Watson v. Minister of Local Government and Planning, Devlin J. [1951] 2 K.B. 779; [1951] 2 T.L.R. 503; [1951] 2 All E.R. 664.

Powers on acquisition

House acquired for housing estate—Whether authority bound to repair—Housing Act, 1936, ss. 73, 79 (4). **Uttoxeter U. D. C. v. Clarke,** Lloyd Jacob J. [1952] W.N. 255; [1952] 1 All E.R. 1318.

Site for development as a housing estate—House already on site suitable as a house for the working classes—Power of local authority to demolish house in order to construct a road—" Houses "—Housing Act, 1936, ss. 72, 73, 79 (4).
Attridge v. London County Council, Ormerod J. [1954] 2 Q.B. 449; [1954] 3 W.L.R. 70.

Dangerous structure

Metropolis

Notice requiring owners to " take down, repair or otherwise secure "— Summons for failure to comply with notice—Discretion of court—London Building Acts (Amendment) Act, 1939, s. 64 (1). **Bewlay & Co. Ld. v. London County Council,** [1953] 1 W.L.R. 1110.

Whether charge upon land for cost of repairs—Land Charges Act, 1925, s. 15—London Building Acts (Amendment) Act, 1939, ss. 66, 70.
In re **County of London (Devons Road, Poplar) Housing Confirmation Order, 1945,** Upjohn J. [1956] 1 W.L.R. 499.

Financial assistance

Sale by owner

Construction of houses promoted by local authority—Application for annual grant on special conditions—Right of owners to sell—Housing (Financial Provisions) Act, 1924, s. 3 (2) (*c*). **Glasgow Corporation v. Western Heritable Investment Co. Ltd.,** H.L.(Sc.) [1956] A.C. 670; [1956] 2 W.L.R. 717.

Notice to quit

Signature

Working class house—Notice to quit—Signature of town clerk or lawful deputy necessary —Housing Act, 1936, ss. 83 (1), 156 (2) and 164 (2).
Becker v. Crosby Corpn., Divl.Ct. [1952] W.N. 269; [1952] 1 T.L.R. 1375; [1952] 1 All E.R. 1350.

Rent

Scheme by local authority

Differential rent scheme—Rebates lost if tenant's income increased—Duty to inform council of increase—Failure of tenant to inform council—Under-payments of tenant added to next year's rent—Tenancy determined—Whether tenant liable for rebates not refunded.
Havant and Waterloo Urban District Council v. Norum, C.A. [1958] 1 W.L.R. 721.

——————— Right to increase rents—Reasonable rent—Validity of scheme—Housing Act, 1936, ss. 83 (1), 85 (5) (6).
Smith v. Cardiff Corporation (No. 2), Danckwerts J. [1955] Ch. 159; [1955] 2 W.L.R. 126.

——————— Whether rent " economic "—Whether " reasonable "—Method of calculation—Authority not tied to original cost—Housing Act, 1936, s. 83.
Summerfield v. Hampstead Borough Council, Harman J. [1957] 1 W.L.R. 167.

Review increasing rent—Whether operating ipso facto—Whether local authority entitled to override tenants' contractual rights without notice to quit—Housing Act, 1936, s. 85 (6). **Bathavon Rural District Council v. Carlile,** C.A. [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545.

Rent restriction. *See* LANDLORD AND TENANT.

Requisitioned premises. (*See also* EMERGENCY LEGISLATION.)

Dwelling-house

Acceptance by owner of licensee as statutory tenant—Loss of owner's right to vacant possession—Compensation payable by local authority—Period when compensation

HOUSING—*continued.*

Requisitioned premises (*Dwelling-house*)—*continued.*

becomes payable—Contribution by Ministry of Housing and Local Government—Requisitioned Houses and Housing (Amendment) Act, 1955, ss. 4 (1) (2), 10 (1).
East Ham Corpn. v. Ministry of Housing and Local Government, Danckwerts J. [1959] 1 W.L.R. 1013.

Recoverable rent

Rent increases in respect of requisitioned properties released to owners—Payment of increases by local authority—Whether duty of local authority to make periodic reviews—Requisitioned Houses and Housing (Amendment) Act, 1955, s. 4 (4).
Taylor v. Munrow, Divl.Ct. [1960] 1 W.L.R. 151.

Unfit for human habitation. (*See also* PUBLIC HEALTH (**Closing order**).)

Demolition order

"House"—Whether part of building a "house"—Houses in terrace—Housing Act, 1936, ss. 11, 12.
Birch v. Wigan Corpn., C.A. [1953] 1 Q.B. 136; [1952] 2 T.L.R. 840; [1952] 2 All E.R. 893.

"*Person having control of house*"

Notice from local authority to do specified repairs—Service on landlord—Tenant liable to do indoor repairs—Premises rent controlled—"Person who receives the rack-rent" deemed to have control—"Rack-rent"—Meaning—Housing Act, 1936, s. 9 (4).
Rawlance v. Croydon Corpn., C.A. [1952] 2 Q.B. 803; [1952] 2 T.L.R. 460; [1952] 2 All E.R. 535.

Relevant considerations

Rent restriction—Repairs and rent—Notice of increase—Proceedings in county court by landlord to recover increase—Whether premises fit for occupation—Standard applicable to underground room—Housing Act, 1936, s. 12 (2)—Housing Repairs and Rents Act, 1954, ss. 9, 23, 49.
London Hospital Governors v. Jacobs (No. 2), C.A. [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102.

Service of notice requiring execution of works under general and local Act—Form of notice—Person having control a lessee when notice served—Freehold acquired before hearing—Date for determining whether works can be executed at reasonable expense—Housing Act, 1936, s. 9—Middlesex County Council Act, 1944, s. 260 (1) (2).
Leslie Maurice & Co. Ld. v. Willesden Corporation, C.A. [1953] 2 Q.B. 1; [1953] 2 W.L.R. 892.

Underground room—Non-compliance with local authority regulations—Closing order—Standard of fitness applicable—"House"—Housing Act, 1936, s. 12 (2)—Housing Repairs and Rents Act, 1954, s. 9.
Critchell v. Lambeth Borough Council, C.A. [1957] 2 Q.B. 535; [1957] 3 W.L.R. 108.

"Working classes"

Meaning

"Houses for persons . . . in fact members of the working classes"—Charitable trust providing houses for lower income group—Modern meaning of "working classes"—Tenancies not controlled—Housing Act, 1936, s. 188—Housing Repairs and Rents Act, 1954, s. 33 (1) (9).
Guinness Trust (London Fund) v. Green, C.A. [1955] 1 W.L.R. 872.

HOWE v. DARTMOUTH, RULE IN. *See* TRUSTS.

HUSBAND AND WIFE

Act of 1882, s. 17

Adultery irrelevant

Matrimonial home

Maintenance agreement so long as wife chaste.
Hickson v. Hickson, C.A. [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308.

Bank account

Joint bank account

Discretion of court—No contractual rights during subsistence of marriage.
Gage v. King, Diplock J. [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460.

Bankruptcy of husband

Wife's claim

Pending proceedings in Divorce Division under section 17 by debtor against wife—Subsequently, judgment obtained by wife against debtor in other proceedings—Application by debtor to have notice set aside—Whether claim under section 17 a "cross demand"—Bankruptcy Act, 1914, s. 1 (1) (*g*).
In re **A Debtor, No. 80 of 1957,** C.A. [1958] Ch. 81; [1957] 3 W.L.R. 184.

Costs

Husband's liability

Liability to wife's solicitors for wife's costs in resisting application—Right of wife to pledge husband's credit for necessaries—Married Women's Property Act, 1882, s. 17—Summary Jurisdiction (Married Women) Act, 1895, s. 5.
J. N. Nabarro & Sons v. Kennedy, Stable J. [1955] 1 Q.B. 575; [1954] 3 W.L.R. 296.

HUSBAND AND WIFE—*continued.*

Act of 1882, s. 17—*continued.*

Furniture

Husband's claim

Discretion of court—Considerations to be applied—Married Women's Property Act, 1882, s. 17. **W. v. W.**, Devlin J. [1951] 2 T.L.R. 1135.

Jurisdiction

Discretion of court. *See Bank account*; *Furniture*; *Matrimonial home.*

Divorce

Summons in respect of property issued—Decree absolute before hearing—Jurisdiction of court notwithstanding—Married Women's Property Act, 1882, s. 17.
Fribance v. Fribance, Barnard J. [1956] P. 99; [1955] 3 W.L.R. 890.

Divorce suit pending

Discretion to refuse adjournment in county court.
Hickson v. Hickson, C.A. [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308.

Wife's admitted adultery in matrimonial home—Husband's application for possession—Extent of court's discretion—Married Women's Property Act, 1882, s. 17.
Short v. Short, C.A. [1960] 1 W.L.R. 833.

Question of title or possession

Inquiries as to existence of property and unascertained debts not maintainable—Married Women's Property Act, 1882, s. 17.
In re **Camkin's Questions,** Wynn-Parry J. [1957] 1 W.L.R. 255.

"Possession"—Foreign domicile—Residence within the jurisdiction—Chattels removed by wife from husband's possession—Money withdrawn from joint account—Husband's claim for return of chattels and account of money—Community of property under law of domicile—Husband entitled to management and control—"Possession" included—Married Women's Property Act, 1882, s. 17.
In re **Bettinson's Question,** Wynn-Parry J. [1956] Ch. 67; [1955] 3 W.L.R. 510.

Title deeds—Whether property within meaning of section—Claim by husband against wife for possession of title deeds—Husband trustee with no beneficial interest—Whether maintainable under the section—Married Women's Property Act, 1882, s. 17.
In re **Knight's Question,** Harman J. [1959] Ch. 381; [1958] 2 W.L.R. 685.

Matrimonial home

Shares of husband and wife

House and furniture bought in husband's name—Contribution to cost by wife—House and contents sold by husband—Money spent—Claim by wife to share of proceeds. **Tunstall v. Tunstall,** C.A. [1953] 1 W.L.R. 770.

House purchased for home—Division in equal shares—Married Women's Property Act, 1882, s 17.
Rimmer v. Rimmer, C.A. [1953] 1 Q.B. 63; [1952] 2 T.L.R. 767; [1952] 2 All E.R. 863.

House purchased for home of two families—Purchase in name of wife and her father without husband's knowledge—Husband serving abroad at date of purchase—Purchase-money and subsequent mortgage instalments partly provided out of voluntary naval allotments made by husband to wife—Presumption of advancement in respect of allotments—Husband's claim to share in house and certain chattels not sustainable—Married Women's Property Act, 1882, s. 17.
Richards v. Richards, C.A. [1958] 1 W.L.R. 1116.

Intention of parties that house be owned in equal shares and that husband meet mortgage payments—Wife's payment of certain household expenses—Part of mortgage repaid by husband—Application by husband for order that house belonged to him—Duty of court to give effect to intention of parties—Married Women's Property Act, 1882, s. 17. **Cobb v. Cobb,** C.A. [1955] 1 W.L.R. 731.

Proportions of payment of price—Decree nisi—Wife's claim to share in house—Married Women's Property Act, 1882, s. 17.
Fribance v. Fribance (No. 2), C.A. [1957] 1 W.L.R. 384.

Purchase in name of wife—Mortgage instalments paid by husband—Presumption of advancement—Husband's claim to share in house—Married Women's Property Act, 1882, s. 17. **Silver v. Silver,** C.A. [1958] 1 W.L.R. 259.

Wedding presents

To whom?

Married Women's Property Act, 1882, s. 17.
Samson v. Samson, C.A. [1960] 1 W.L.R. 190.

Act of 1958, s. 7

Wedding presents

To whom?

Matrimonial Causes (Property and Maintenance) Act, 1958, s. 7.
Samson v. Samson, C.A. [1960] 1 W.L.R. 190.

Adoption. *See* ADOPTION.

HUSBAND AND WIFE—*continued*

- **Adultery.** (*See also* **Divorce; Justices.**)
  - *Burden of proof. See Evidence.*
  - *Common law, effect at*
    - Matrimonial home
      - Conduct conducing by husband—Whether wife's licence to matrimonial home terminated by her adultery. **Short v. Short,** C.A. [1960] 1 W.L.R. 833.
  - *Connivance*
    - Meaning
      - Husband suspecting wife of adulterous association—Husband's creation of opportunity for adultery—Whether connivance. **Douglas v. Douglas,** C.A. [1951] P. 85; [1950] 2 All E.R. 748.
      - Husband turning wife out knowing she would return to lover—Absence of "corrupt" intention. **Haynes v. Haynes and Sawkill,** Wrangham J. [1960] 1 W.L.R. 968.
      - Inception of divorce proceedings—Foreign divorce—Adultery before inception of proceedings. **Levett v. Levett and Smith** [1957] P. 156; [1957] 2 W.L.R. 484.
      - Wife's reluctant consent to adultery—Consent excluded woman named—Adultery condoned—Whether subsequent adultery connived at. **Gorst v. Gorst,** Karminski J. [1952] P. 94; [1951] 2 T.L.R. 982; [1951] 2 All E.R. 956.
  - *Consent of party charged*
    - Child
      - Intervener aged 12 years—Whether capable of adultery. **Barnett v. Barnett. Brown Intervening,** Mr. Commissioner Temple Morris, Q.C. [1957] P. 78; [1957] 2 W.L.R. 272.
  - *Co-respondent.* (*See also Damages*; **Collusion; Divorce** (*Costs*).)
    - Position of
      - Duty of court to investigate charge of adultery—Petitioners' freedom to apply or not for costs. **Woodard v. Woodard and Curd,** Sachs J. [1959] 1 W.L.R. 493.
  - *Damages.* (*See also* **Divorce.**)
    - Co-respondent's means
      - Materiality—Wife found to be moving spirit in adulterous liaison—Circumstances material for assessment of damages—Evidence as to co-respondent's means not receivable. **Scott v. Scott and Anyan,** C.A. [1957] P. 1; [1956] 3 W.L.R. 1121.
  - *Delay. See* **Divorce.**
  - *Evidence.* (*See also* LEGITIMACY **(Presumption)**.)
    - Burden of proof
      - Inclination and opportunity proved—No irrebuttable presumption. **England v. England,** Divl.Ct. [1953] P. 16; [1952] 2 T.L.R. 705; [1952] 2 All E.R. 784.
      - Proof beyond reasonable doubt necessary. **Preston-Jones v. Preston-Jones,** H.L.(E.) [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124.
    - Cross-examination
      - Denial of adultery in answer—Verified by affidavit—Not denied in evidence-in-chief—Whether cross-examination thereon permissible—Matrimonial Causes Act, 1950, s. 32 (3). **Corfe v. Corfe,** C.A. [1960] 1 W.L.R. 208.
    - Evidence of participator
      - Decree to respondent on evidence of petitioner alone. **Bone v. Bone (Practice Note),** Lord Merriman P. [1953] 1 W.L.R. 1310.
      - Warning—Corroboration—Onus of proof—"Satisfied"—Beyond reasonable doubt—Matrimonial Causes Act, 1950, s. 4. **Galler v. Galler,** C.A. [1954] P. 252; [1954] 2 W.L.R. 395.
    - Hotel adultery
      - Night at hotel with woman unknown—Possible cover for genuine adulterous association—Need for proper investigation. **Raspin v. Raspin,** Karminski J. [1953] P. 230; [1953] 3 W.L.R. 343.
    - Incriminating question
      - "Proceedings instituted in consequence of adultery"—Party cross-examined charged with cruelty—Party cross-examined alleging adultery—Question relevant to cruelty charge—Matrimonial Causes Act, 1950, s. 32 (3). **Haynes v. Haynes and Sawkill,** Wrangham J. [1960] 1 W.L.R. 968.
      - Whether question as to adultery of witness incriminating—Whether relevant to issue of cruelty—Matrimonial Causes Act, 1950, s. 32 (3). **Lewis v. Lewis,** C.A. [1958] P. 193; [1958] 2 W.L.R. 747.
    - Lack of denial
      - Suggested act of adultery—No denial by respondent—Effect—Matrimonial Causes Act, 1950, s. 32 (3). **Poyser v. Poyser,** C.A. [1952] W.N. 525; [1952] 2 All E.R. 949.
    - Subsequent conduct
      - Evidence by wife and doctor of telephone conversation tending to prove innocence—Whether admissible. **Corke v. Corke and Cook,** C.A. [1958] P. 93; [1958] 2 W.L.R. 110.

HUSBAND AND WIFE—*continued.*

Adultery—*continued.*

Meaning

Attempted sexual intercourse

Temporary impotence of man cited—No penetration—Adultery not committed.
Dennis v. Dennis (Spillett cited), C.A. [1955] P. 153; [1955] 2 W.L.R. 817.

Masturbation. **Sapsford v. Sapsford and Furtado,** Karminski J. [1954] P. 394; [1954] 3 W.L.R. 34.

Condoned adultery

Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Marczuk v. Marczuk, Divl.Ct. [1956] 2 W.L.R. 1.
C.A. [1956] P. 217; [1956] 2 W.L.R. 849.

Sexual intercourse after divorce

Not "adultery" unless with married person—Application for discharge of maintenance order—Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Chorlton v. Chorlton, Divl.Ct. [1952] P. 169; [1952] 1 T.L.R. 807; [1952] 1 All E.R. 611.

Advancement (presumption of). *See* ADVANCEMENT.

Agency

Medical treatment for wife

Husband's liability

Inability of wife to recover expenses as special damage for personal injuries.
Gage v. King, Diplock J. [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460.

Pledging husband's credit for necessaries

Wife separated from husband

Separation due to husband's cruelty—Money paid to wife by third party for necessaries—Whether husband liable to third party—Wife's financial resources.
Biberfeld v. Berens, C.A. [1952] 2 Q.B. 770; [1952] 2 T.L.R. 39; [1952] 2 All E.R. 237.

Rent tribunal

Application to rent tribunal by deserted wife of tenant

Whether wife agent of husband.
Regina v. Twickenham Rent Tribunal. *Ex parte* **Dunn,** Divl.Ct. [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517.

Alimony pending suit

Adultery by wife

Admitted by wife

Condonation and conduct conducing alleged and denied—Jurisdiction of court to award alimony—Matters to be taken into account—Judicial separation—Matrimonial Causes Act, 1950, s. 20 (1).
Waller v. Waller, C.A. [1956] P. 300; [1956] 2 W.L.R. 1071.

Appeal pending

Judicial separation

Appeal by wife against her own decree—Matrimonial Causes Act, 1950, s. 20 (1).
Schlesinger v. Schlesinger, Sachs J. [1958] 1 W.L.R. 882.

Committal order

Suspended order

Subsequent maintenance order—Whether order pending suit and subsequent order one "judgment"—Matrimonial Causes (Judicial Summons) Rules, 1952, r. 6 (3).
O'Mahoney v. O'Mahoney, Collingwood J. [1959] P. 1; [1959] 2 W.L.R. 22.

Prior maintenance order by justices

Courses open to wife

Discharge of order. **Pooley v. Pooley,** Divl.Ct. [1952] P. 65; [1952] 1 T.L.T. 433. [1952] 1 All E.R. 395.

Proceedings for maintenance

Wilful neglect to maintain alleged

No power to grant alimony pending suit—Interim order—Matrimonial Causes Act, 1950, ss. 19 (1), 20 (1), 22 (1), 23—Matrimonial Causes Rules, 1950, r. 56.
S—— (D. A.) v. S—— (J. D.), Collingwood J. [1954] P. 194; [1954] 2 W.L.R. 1.

Quantum. (*See also* **Justices; Maintenance.**)

National assistance for wife

Court entitled to take assistance benefit into consideration—No order for alimony—National Assistance Act, 1948, ss. 42, 43—Matrimonial Causes Act, 1950, s. 19.
Sterne v. Sterne, C.A. [1957] P. 168; [1957] 2 W.L.R. 544.

Wife's earning capacity.

Limited relevance. **Griffith v. Griffith,** Sachs J. [1957] 1 W.L.R. 478.

Alimony, permanent

Quantum

Wealthy husband

Assessment of "just" amount—Effect of taxation—Husband domiciled abroad: wife resident in England—"Jointure" test no longer usefully employable in assessing amount—Matrimonial Causes Act, 1950, s. 20 (2).
Schlesinger v. Schlesinger, Sachs J. [1961] P. 191; [1960] 3 W.L.R. 83.

HUSBAND AND WIFE—*continued.*

Alimony, permanent—*continued.*

Time for applying

Application "at any time"

Where rule valid—"On any decree"—Matrimonial Causes Rules, 1950, r. 45—Matrimonial Causes Act, 1950, s. 20 (2).

Cooper v. Cooper, Divl.Ct. [1953] P. 26; [1952] 2 T.L.R. 957; [1952] 2 All E.R. 857.

Banking account. *See* BANKING.

Bankruptcy. *See* BANKRUPTCY.

Collusion

Abandonment of charge

Leaving charge in abeyance

Whether collusion. **Schlesinger v. Schlesinger,** C.A. [1959] 1 W.L.R. 92.

Co-respondent

Bargain as to damages

Divorce petition—Claim for damages—Answer alleging collusion—Application to strike out—Whether bargain collusive.

Teale v. Burt (formerly Teale) and Burt, Willmer J. [1951] W.N. 331; [1951] 2 All E.R. 183.
C.A. [1951] P. 438; [1951] 2 T.L.R. 321; [1951] 2 All E.R. 433.

Foreign decree

Effect on

Mexican divorce.

Mountbatten v. Mountbatten, Davies J. [1959] P. 43; [1959] 2 W.L.R. 128.

Condonation. (*See also* JUSTICES.)

Cruelty

Conditional forgiveness

Continuation of normal married life for 15 years after acts of cruelty—Whether conditional forgiveness converted into absolute forgiveness in the course of years.

Beale v. Beale, C.A. [1951] P. 48; [1950] 2 All E.R. 539.

Wife, by

Cruel conduct by wife to induce sexual intercourse—Final act of intercourse by husband. **Willan v. Willan,** C.A. [1960 1 W.L.R. 624.

Desertion

Inapplicability of doctrine

Common or mutual intention irrelevant to issue of condonation.

Perry v. Perry, C.A. [1952] P. 203; [1952] 1 T.L.R. 1633; [1952] 1 All E.R. 1076.

Revival of constructive desertion.

Lane v. Lane, Divl.Ct. [1951] P. 284; [1951] 1 T.L.R. 1125.
C.A. [1952] P. 34; [1952] 1 T.L.R. 250; [1952] 1 All E.R. 223.

Insane party

Whether capable of receiving forgiveness

Mentally ill husband cared for

Swan v. Swan, C.A. [1953] P. 258; [1953] 3 W.L.R. 591.

Knowledge of adultery

Extent of adultery unknown

Confession of adultery by wife with X—Act of intercourse following confession—Effect of condonation not destroyed by husband later learning extent of adulterous association with X. **Wells v. Wells,** C.A. [1954] 1 W.L.R. 1390.

Ingrained suspicion

Wrong man suspected of adultery—Continuance of conjugal cohabitation—Whether with requisite knowledge of all material facts.

Burch v. Burch, Sachs J. [1958] 1 W.L.R. 480.

Revival of condoned offence

Absolute condonation

Conditional forgiveness—Continuation of normal married life for 15 years after acts of cruelty—Whether conditional forgiveness converted into absolute forgiveness in the course of years.

Beale v. Beale, C.A. [1951] P. 48; [1950] 2 All E.R. 539.

Conduct sufficient to revive

Desertion for short period—Husband's threat to leave home countered by wife's warning that if he goes he cannot come back—Husband's act in leaving home desertion reviving condoned adultery for all purposes.

Beigan v. Beigan, C.A. [1956] P. 313; [1956] 3 W.L.R. 281.

Lesser offence—Question of fact.

Cundy v. Cundy, Smith and Finch, Mr. Commissioner Blanco White, Q.C. [1956] 1 W.L.R. 207n.

HUSBAND AND WIFE—*continued.*

Condonation (*Revival of condoned offence*)—*continued.*

Conduct sufficient to revive—*continued.*

Lesser offence—Revival of constructive desertion.
Lane v. Lane, Divl.Ct. [1951] P. 284; [1951] 1 T.L.R. 1125. C.A. [1952] P. 34; [1952] 1 T.L.R. 250; [1952] 1 All E.R. 223.

Sodomy and attempted sodomy—Whether capable of constituting revival—No evidence of effect on mind of person charged.
Benton v. Benton, C.A. [1958] P. 12; [1957] 3 W.L.R. 801.

Effect of revival

Revival for all purposes—Whether revived adultery constructive desertion—Test of condonation—"Complete reconciliation."
Roe v. Roe, Divl.Ct. [1956] 1 W.L.R. 1380.

Whether revived adultery constructive desertion—Test of condonation—"Complete "reconciliation." **Roe v. Roe,** Divl.Ct. [1956] 1 W.L.R. 1380.

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Adultery unknown to condoning spouse and not pleaded—Whether capable of constituting revival—Matrimonial Causes Act, 1950, s. 4.
Scott v. Scott (Quine cited), Karminski J. [1960] 1 W.L.R. 915.

Sexual intercourse as condonation

Sexual intercourse in attempt by husband to achieve reconciliation

Wife alleging desertion by husband—Whether adultery condoned.
Viney v. Viney, Divl.Ct. [1951] P. 457; [1951] 2 T.L.R. 705; [1951] 2 All E.R. 204.

Whether single act conclusive against husband

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Benton v. Benton, C.A. [1958] P. 12; [1957] 3 W.L.R. 801.

Sodomy, of

Whether condonation bar to petition

Consent to sodomy. **Bampton v. Bampton,** C.A. [1959] 1 W.L.R. 842.

Conduct conducing

Desertion, as

Constructive desertion

Wife's adultery condoned—Wife then turned out—Subsequent adultery.
Haynes v. Haynes and Sawkill, Wrangham J. [1960] 1 W.L.R. 968.

Wife's conduct amounting to constructive desertion and no more—Husband's subsequent adultery not conduced to by wife's conduct—Matrimonial Causes Act, 1937, s. 11. **Jenkins v. Jenkins,** Divl.Ct. [1956] P. 458; [1956] 3 W.L.R. 262.

Desertion and no more

Not enough. **Richards v. Richards,** C.A. [1952] P. 307; [1952] 1 T.L.R. 1321; [1952] 1 All E.R. 1384.

Desertion, to

Conduct less than just cause

Conjugal unkindness—Matrimonial Causes Act, 1950, s. 4 (2) (iv).
Postlethwaite v. Postlethwaite, Willmer J. [1957] P. 193; [1957] 2 W.L.R. 819.

Divorce proceedings as

Foreign divorce

Adultery before inception of proceedings
Levett v. Levett and Smith, C.A. [1957] P. 156; [1957] 2 W.L.R. 484.

Improper association as

Husband's adultery

Wife's improper association resulting in loss of affection for husband—Incapable of amounting to conduct conducing—Matrimonial Causes Act, 1937 (1 Edw. 8 & 1 Geo. 6, c. 57), s. 11.
Brown v. Brown, Divl.Ct. [1956] P. 438; [1956] 2 W.L.R. 1000.

Connivance. *See* **Adultery.**

Consortium, loss of. *See* Damages.

Co-respondent. *See* **Adultery; Collusion; Divorce** (*Costs*).

Costs. *See* **Divorce**; Legal Aid.

Criminal law. *See* Crime (*Conspiracy*) ; **Rape.**

Conspiracy. *See* Crime.

Cruelty. (*See also* **Divorce.**)

Burden of proof. See Evidence.

Condonation. See **Condonation.**

Delay. See **Divorce.**

Evidence

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Evidence of witness who was shown wife's bruises—Admissibility as corroboration.
Fromhold v. Fromhold, C.A. [1952] W.N. 278; [1952] 1 T.L.R. 1522.

HUSBAND AND WIFE—*continued.*
  Cruelty (*Evidence*)—*continued.*
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        Davidson v. Davidson, Divl.Ct. [1953] 1 W.L.R. 387.
      ————Submission to, but not consent, by wife—Desirability of corroboration of wife's evidence—No legal necessity for corroboration.
        Lawson v. Lawson, C.A. [1955] 1 W.L.R. 200.
    Standard of proof
      Proof beyond reasonable doubt—Whether misdirection.
        Bater v. Bater, C.A. [1951] P. 35; [1950] 2 All E.R. 458.
  Insanity
    As defence
      Child of marriage killed—Husband found guilty of murder but insane—Whether insanity defence to charge of cruelty.
        Lissack v. Lissack, Pearce J. [1951] P. 1; 66 T.L.R. (Pt. 2) 1235; [1950] 2 All E.R. 233.
      Knowledge that acts of cruelty "wrong"—Meaning of "wrong"—Evidence of knowledge. **Sofaer v. Sofaer,** Collingwood J. [1960] 1 W.L.R. 1173.
      M'Naughten Rules—Applicability as defence to cruelty.
        Palmer v. Palmer, C.A. [1955] P. 4; [1954] 3 W.L.R. 756.
      Whether genuine belief in false accusations arising from mental disorder is a defence to a charge of cruelty based thereon—Reasonable apprehension of injury to health.
        Robins v. Robins, Wrangham J. [1960] 1 W.L.R. 1089.
      Whether insanity a defence to a charge of cruelty—Condonation.
        Swan v. Swan, C.A. [1953] P. 258; [1953] 3 W.L.R. 591.
  Intention to injure
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      Boorishness, uncleanliness and taciturnity—Intention of being cruel or of driving spouse away—Presumption of intention.
        Waters v. Waters, Divl.Ct. [1956] P. 344; [1956] 2 W.L.R. 661.
      Nagging—Whole matrimonial relations to be considered.
        King v. King, C.A. [1951] W.N. 545.
        H.L.(E.) [1953] A.C. 124; [1952] 2 T.L.R. 429; [1952] 2 All E.R. 584.
      Stinginess, lack of affection and attention, callous indifference, taciturnity, selfishness—Effect on wife's health—Principles concerning natural consequences of conduct—Whether conduct "aimed at" wife.
        Simpson v. Simpson, Divl.Ct. [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955.
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      Brutality to—Whether cruelty to wife—Whether intention to injure necessary.
        Wright v. Wright, C.A. [1960] P. 85; [1960] 2 W.L.R. 499.
      Indecency to. *See* Indecency to third person.
    Crime
      Conviction for espionage in war.
        Ingram v. Ingram, Sachs J. [1956] P. 390; [1956] 2 W.L.R. 782.
      Offence against third party—Effect of convictions for fraud.
        Woollard v. Woollard, Mr. Commissioner Latey, Q.C. [1955] P. 85; [1954] 3 W.L.R. 855.
    Desertion
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        Cade v. Cade, Divl.Ct. [1957] 1 W.L.R. 569.
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    Effeminacy of husband
      Feminine proclivities concealed from wife—Chance discoveries by wife—Failure of husband to undergo treatment—Treatment unlikely to cure marital difficulties.
        Bohnel v. Bohnel, C.A. [1960] 1 W.L.R. 590.
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        Carpenter v. Carpenter, Sachs J. [1955] 1 W.L.R. 669.
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        Crawford v. Crawford, Divl.Ct. [1956] P. 195; [1955] 3 W.L.R. 855.
      Indecent assault on child of marriage.
        Cooper v. Cooper, Divl.Ct. [1955] P. 99; [1954] 3 W.L.R. 867.
      Indecent assault on stepdaughter—Injury to wife's health—Conduct "aimed at" wife. **Ivens v. Ivens,** C.A. [1955] P. 129; [1954] 3 W.L.R. 887.
    Financial meanness
      Irresponsibility and shiftlessness of husband.
        Eastland v. Eastland, Karminski J. [1954] P. 403; [1954] 2 W.L.R. 851.

HUSBAND AND WIFE—*continued.*

Cruelty (*Intention to injure*)—*continued.*

Sexual relations, in

Contraceptives—Use of by husband. **Fowler v. Fowler,** C.A. [1952] 2 T.L.R. 143.

———— Wife's deliberate refusal to have children—Insistence on contraception—Knowledge of injurious effect on husband—No fear of childbirth.
Forbes v. Forbes, Mr. Commissioner Latey, Q.C. [1955] 1 W.L.R. 531.

Denial to wife of child—Husband's insistence on coitus interruptus.
Knott v. Knott, Sachs J. [1955] P. 249; [1955] 3 W.L.R. 162.

Frigidity—Wife's deliberate refusal to have children ripening into complete refusal of sexual intercourse—Knowledge of injurious effect of refusal on husband.
Ward v. Ward, Mr. Commissioner McKee [1958] 1 W.L.R. 693.

Sterilisation of husband—After birth of first child—Whether sterilisation cruelty.
Bravery v. Bravery, C.A. [1954] 1 W.L.R. 1169.

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Wife's gross neglect of husband and child—Laziness—Refusal of sexual intercourse—Whether conduct "aimed at" spouse.
Kaslefsky v. Kaslefsky, C.A. [1951] P. 38; [1950] 2 All E.R. 398.

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Scottish precedents

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Jamieson v. Jamieson, H.L.(Sc.) [1952] A.C. 525; [1952] 1 T.L.R. 833; [1952] 1 All E.R. 875.

Separation, after

Assault on wife

After husband had left her—Matrimonial Causes Act, 1950, s. 1 (1).
Britt v. Britt, C.A. [1955] 1 W.L.R. 1272.

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Death. *See* **Divorce; Maintenance.**

Desertion. (*See also* **Divorce.**)

Actual desertion

Husband and wife living in same house

No marital relations—sharing kitchen. **Walker v. Walker,** C.A. [1952] W.N. 205; [1952] 1 T.L.R. 1094; [1952] 2 All E.R. 138.

Spouses living in separate rooms

Joint ownership of house—Separate households.
Baker v. Baker, Willmer J. [1952] W.N. 90; [1952] 1 T.L.R. 391; [1952] 1 All E.R. 297.
C.A. [1952] W.N. 338; [1952] 2 T.L.R. 228; [1952] 2 All E.R. 248.

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Consensual oral separation—Written agreement for maintenance—No term in agreement defining period of separation—Subsequent offer by wife to return rejected by husband—Whether husband in desertion—Copies of agreement dated and exchanged after rejection of wife's offer—Whether consensual separation revived.
Bosley v. Bosley, C.A. [1958] 1 W.L.R. 645.

Consent to separation on basis of maintenance continuing—Wife's willingness for husband to go—Married Women (Separation and Maintenance) Acts, 1895–1949.
Kinnane v. Kinnane, Divl.Ct. [1954] P. 41; [1953] 3 W.L.R. 782.

Separation agreement—Consensual separation recited in written maintenance agreement—Period of separation indefinite—Subsequent offers by husband to return rejected by wife—Whether wife in desertion.
Hall v. Hall, Wrangham J. [1960] 1 W.L.R. 52.

Burden of proof. See Just cause (Adultery).

Conduct conducing. See **Conduct conducing.**

Constructive desertion

Adultery, reasonable belief in

Belief induced by husband—Wife leaves matrimonial home—Expulsion by husband.
Baker v. Baker, Divl.Ct. [1954] P. 33; [1953] 3 W.L.R. 857.

Ground for divorce. **Forbes v. Forbes,** Davies J. [1954] 1 W.L.R. 1526.

Justices—Practice—Specific allegation and notice of adultery not necessary—Nature of case of reasonable belief required.
Sullivan v. Sullivan, Divl.Ct. [1956] 1 W.L.R. 277n.

Statements by third party regarding petitioner to respondent not alleged to be true in fact. **Elliott v. Elliott,** C.A. [1956] P. 160; [1956] 2 W.L.R. 219.

Adultery, revived after condonation

Revived for all purposes. **Roe v. Roe,** Divl.Ct. [1956] 1 W.L.R. 1380.

HUSBAND AND WIFE—*continued.*

Desertion (*Constructive desertion*)—*continued.*

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Lewis v. Lewis, Divl.Ct. [1956] P. 205n.; [1955] 3 W.L.R. 862.

Wife's imprisonment on conviction for espionage in war—Desertion found.
Ingram v. Ingram, Sachs J. [1956] P. 390; [1956] 2 W.L.R. 782.

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Boorishness. **Waters v. Waters**, Divl.Ct. [1956] P. 344; [1956] 2 W.L.R. 661.

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Lang v. Lang, J.C. [1955] A.C. 402; [1954] 3 W.L.R. 762.

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Bartholomew v. Bartholomew, C.A. [1952] W.N. 535; [1952] 2 T.L.R. 934; [1952] 2 All E.R. 1035.
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Words intended to be final and conclusive—Condonation—Revival of constructive desertion. **Lane v. Lane**, Divl.Ct. [1951] P. 284; [1951] 1 T.L.R. 1125.
C.A. [1952] P. 34; [1952] 1 T.L.R. 250; [1952] 1 All E.R. 223.

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Husband ordered by justices to leave matrimonial home—Cause of husband's leaving—Justices not acting judicially.
Jones v. Jones, C.A. [1952] W.N. 375; [1952] 2 T.L.R. 225.

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Adultery before inception of desertion—Whether absolute bar to finding of desertion—Matrimonial Causes Act, 1950, s. 1 (1) (*b*).
Day v. Day, Willmer J. [1957] P. 202; [1957] 2 W.L.R. 683.

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Jones v. Jones, Divl.Ct. [1953] 1 W.L.R. 867.

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Cox v. Cox, Divl.Ct. [1958] 1 W.L.R. 340.

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Mutual connivance—Whether connivance by complainant to adultery negatives desertion. **Richmond v. Richmond**, Divl.Ct. [1952] W.N. 188; [1952] 1 All E.R. 838.

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Cruelty to child—Death of child—Mother found guilty—After release husband's refusal to cohabit or maintain—Whether cruelty to child an answer to allegation of desertion—Summary Jurisdiction (Separation and Maintenance) Act, 1925, s. 1 (3).
Hartnell v. Hartnell, Divl.Ct. [1951] W.N. 555.

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Cooper v. Cooper (No. 2), Divl.Ct. [1955] P. 168; [1954] 3 W.L.R. 923.
Foster v. Foster, Divl.Ct. [1954] P. 67; [1953] 3 W.L.R. 623.

Unproved cruelty not desertion—Divorce—Pleadings.
Pike v. Pike, C.A. [1954] P. 81; [1953] 3 W.L.R. 634n.

Repugnance to intercourse

Wife living apart on medical grounds—Cohabitation dangerous to health—Intention to desert. **Lilley v. Lilley**, Divl.Ct. [1958] 3 W.L.R. 728.
C.A. [1959] 3 W.L.R. 306.

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Animus deserendi—Desertion "without cause"—Pleadings.
Keeley v. Keeley [1952] W.N. 496.
C.A. [1952] 2 T.L.R. 756.

Respondent capable of forming intention to desert—Respondent's wish to remain in hospital—No proper home available—Just cause for remaining apart.
Clark v. Clark (By Her Guardian), Barnard J. [1956] 1 W.L.R. 345.

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Change of locks by deserted wife—No acceptable offer of cohabitation by husband—Wife not in desertion. **Beigan v. Beigan**, C.A. [1956] P. 313; [1956] 3 W.L.R. 281.

Initial desertion by husband—Decisive determination by wife against reconciliation—Determination evinced to husband—Termination of desertion.
Fishburn v. Fishburn, Willmer J. [1955] P. 29; [1955] 2 W.L.R. 236.

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Barnett v. Barnett, Sachs J. [1955] P. 21; [1955] 2 W.L.R. 229.

HUSBAND AND WIFE—*continued.*

Desertion (*Termination*)—*continued.*

Acceptance by deserted party—*continued.*

State of deserted party's mind—Words spoken as result of deserted party's justified sense of grievance—Metaphorical not physical prevention of cohabitation.
Bevan v. Bevan, Divl.Ct. [1955] 1 W.L.R. 1142.

Adultery by deserted party

Adultery by deserted wife—No effect on husband's conduct.
Richards v. Richards, C.A. [1952] P. 307; [1952] 1 T.L.R. 1321; [1952] 1 All E.R. 1384.

Deserted spouse's confession of adultery and expressed desire for divorce—Desertion not necessarily terminated. **Church v. Church,** Willmer J. [1952] P. 313; [1952] 2 T.L.R. 557; [1952] 2 All E.R. 441.

Maintenance order discharged—Whether desertion terminated—Summary Jurisdiction (Married Women) Act, 1895, s. 7. **Dryden v. Dryden,** C.A. [1953] 1 W.L.R. 952.

Previous objection by respondent to association—Association broken until after inception of desertion—Respondent aware of adultery—Respondent's conduct not affected by adultery. **Parrock v. Parrock,** Karminski J. [1956] 1 W.L.R. 270.

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Insanity following desertion—Effect—Matrimonial Causes Act, 1937, s. 2.
Crowther v. Crowther, H.L.(E.) [1951] A.C. 723; [1951] 1 T.L.R. 1149; [1951] 1 All E.R. 1131.

Judicial proceedings by deserted party

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W. v. W. (No. 2), C.A. [1954] P. 486; [1954] 3 W.L.R. 381.

Decree of judicial separation—Domicile in Italy—Petition based on wife's residence—Previous Italian decree of judicial separation—Effect of on husband's desertion—Matrimonial Causes Act, 1950, ss. 7 (3) and 18 (1) (*b*).
Tursi v. Tursi, Sachs J. [1958] P. 54; [1957] 3 W.L.R. 573.

Jewish bill of divorcement—Consent to live separate and apart.
Joseph v. Joseph, C.A. [1953] 1 W.L.R. 1182.

——————— Not necessarily terminating desertion.
Corbett v. Corbett, Barnard J. [1957] 1 W.L.R. 486.

Offer by deserter to return

Genuineness of desire to return. **Wells v. Wells,** C.A. [1954] 1 W.L.R. 1390.

Mala fide offer to return. **Casey v. Casey,** Divl.Ct. [1952] 1 All E.R. 453.

Offer by deserting spouse to resume cohabitation—No expression of repentance—No evidence of violence by deserting spouse against deserted spouse—Bona fides of offer—Refusal by deserted spouse to resume cohabitation—Maintenance.
Price v. Price, Pilcher J. [1951] 1 All E.R. 877.
C.A. [1951] P. 413; [1951] 2 All E.R. 580.

Removal of basis of constructive desertion

Constructive desertion by husband—Wife leaves home because of his refusal to turn out unsatisfactory son—Agreement by husband to turn son out and wife to return home—Desertion terminated by agreement.
Harvey v. Harvey, C.A. [1956] P. 102; [1955] 3 W.L.R. 946.

Resumption of married life

Need to set up matrimonial home—Sexual intercourse or birth of child not by themselves sufficient. **Perry v. Perry,** C.A. [1952] P. 203; [1951] 1 T.L.R. 1633; [1952] 1 All E.R. 1076.

Wife returning to live under same roof as husband but without full resumption of normal married life. **Bull v. Bull,** C.A. [1953] P. 224; [1953] 3 W.L.R. 326.

Wife's desertion—Husband's attempt at reconciliation—Marital intercourse during statutory period—Whether desertion terminated.
Whitney v. Whitney, Willmer J. [1951] P. 250; [1951] 1 T.L.R. 493; [1951] 1 All E.R. 301.

Separation agreement

Agreement by husband, after desertion, to maintain wife during joint lives "if they shall so long live separate"—No agreement to live separate—Agreement not a bar to petition for dissolution on ground of desertion.
Crabtree v. Crabtree, C.A. [1953] 1 W.L.R. 708.

Separation agreement before 1938

Right to disregard agreement under statute—Wife in desertion at time of agreement—Husband's refusal of wife's offers to return—Whether parties entitled to rely on statute—Divorce (Insanity and Desertion) Act, 1958, s. 3.
Pearce v. Pearce, C.A. [1960] 1 W.L.R. 855.

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Divorce

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HUSBAND AND WIFE—*continued.*

Divorce—*continued.*

Appeal. (*See also Costs.*)

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Decree of judicial separation—Incomplete findings.
Schlesinger v. Schlesinger, C.A. [1959] 1 W.L.R. 92.

Petition dismissed—Condoned adultery—Whether finding of adultery appealable by successful respondent. **Lake v. Lake,** C.A. [1955] P. 336; [1955] 3 W.L.R. 145.

Fresh evidence. (*See also Fresh evidence.*)

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Andrew v. Andrew, J.C. [1953] 1 W.L.R. 1453.
Corbett v. Corbett, C.A. [1953] P. 205; [1953] 2 W.L.R. 1124.

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Decree absolute—Application of respondent wife for leave to appeal out of time—Husband's fraudulent conduct alleged—Wife's knowledge of decree nisi—Time and opportunity to appeal—Supreme Court of Judicature Act, 1925, s. 31 (1) (*e*).
Hurlstone v. Hurlstone and Antonio, C.A. [1956] 1 W.L.R. 286.

Refusal of decree—Notice of appeal served within six weeks of order—Appeal not set down within six weeks of order—Appeal against refusal of decree not governed by rule applicable to appeals against a decree nisi—Proper practice—R.S.C., Ord. 58, rr. 4, 5, 15. **Medcalf v. Medcalf,** C.A. [1958] 1 W.L.R. 338.

Burden of proof. See Evidence.

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Matrimonial causes on circuit

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Practice Direction, Probate [1958] 1 W.L.R. 1105.

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Answer — Amending to allege desertion by way of cross-petition — Three years not completed at date of original answer—Proceedings begun before January 1, 1959; cross-petition filed thereafter—Whether Matrimonial Proceedings (Children) Act, 1958, applicable.
Swiszczowski v. Swiszczowski and Jewasinski, Karminski J. [1959] 1 W.L.R. 187.

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Co-respondent. See **Adultery.**

Costs. (*See also* LEGAL AID.)

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Appeal from registrar—To whom—Costs—Execution—Interpleader proceedings—Whether appeal lies to Divisional Court or judge in chambers—Matrimonial Causes Rules, 1950, rr. 59, 80—R.S.C., Ord. 54, r. 22A.
Waight v. Waight and Walker, Collingwood J. [1952] P. 282; [1952] 2 T.L.R. 177; [1952] 2 All E.R. 290.

Time bar—Disclosure of successful party's adultery after granting of decree absolute—Appeal against order as to costs—Whether such appeal lies after decree has been made absolute—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 31 (1) (*e*), 184—Matrimonial Causes Rules, 1957, r. 69 (2).
Kingston v. Kingston (Gilder Cited), C.A. [1958] P. 122; [1958] 2 W.L.R. 310.

Co-respondent

Absence of definite evidence that co-respondent knew respondent to be married—Inference from circumstances—Overriding discretion of court.
Lycett-Green v. Lycett-Green & Du Puy, Judge Granville Smith, [1956] 1 W.L.R. 990.

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Party cited

Adultery of wife admitted—Measure of liability of party cited to pay costs.
Mearns v. Mearns, C.A. [1955] 1 W.L.R. 303.

Security

Order for security—Service—Power to direct substituted service of order—R.S.C., Ord. 67, r. 6—Matrimonial Causes Rules, 1950, rr. 62 (2), 80.
Worboys v. Worboys, Davies J. [1953] P. 192; [1953] 2 W.L.R. 901.

Security for wife's costs—Wife's petition—Prosecuted in dilatory manner—Reversionary interest of wife realisable for money—Conduct of parties relevant in application for security—Matrimonial Causes Rules, 1950, r. 65 (3).
Maclean v. Maclean, C.A. [1951] 1 All E.R. 967.

Statement taken by petitioner's solicitor from respondent

Costs incurred excluded by commissioner—Whether wrongly excluded.
Davies v. Davies, C.A. [1960] 1 W.L.R. 1004.

Taxation

Application to review—Supreme Court Rules, 1959, r. 35.
Practice Direction, Probate [1960] 1 W.L R. 1142.

HUSBAND AND WIFE—*continued.*

Divorce (*Costs*)—*continued.*

Taxation—*continued.*

Bill to show item numbers—Supreme Court Costs Rules, 1959, Appendix 2.
Practice Direction, Probate [1960] 1 W.L.R. 125.

Objection to taxation—Informal reference to registrar—R.S.C., Ord. 65, r. 27, reg. 39.
Practice Direction (Costs), Probate [1955] 1 W.L.R. 603.

Translations

Polish translations. **Practice Direction,** Probate [1956] 1 W.L.R. 505.

Counsel's fees. See BARRISTER.

Cross-petition

Bar to petition removed: whether cross-petition barred

Petition within three years—Matrimonial Causes Act, 1950, ss. 2, 6.
Hollingsworth v. Hollingsworth, Collingwood J. [1952] P. 277; [1952] 2 T.L.R. 202; [1952] 2 All E.R. 284.

Residence—Matrimonial Causes Act, 1950. ss. 6, 18 (1).
Levett v. Levett and Smith, C.A. [1957] P. 156; [1957] 2 W.L.R. 484.

Separation agreement before 1938—Respondent's desertion before separation agreement of 1936—Petitioner's desertion in 1943—Divorce (Insanity and Desertion) Act, 1958, s. 3. **Pearce v. Pearce,** C.A. [1960] 1 W.L.R. 855.

Cruelty. (*See also* **Cruelty.**)

"Proceedings instituted in consequence of adultery"

Whether cross-petition for cruelty part of proceedings—Meaning of "proceedings"—Question relevant to cruelty tending to show adultery—Matrimonial Causes Act, 1950, s. 32 (3).
Haynes v. Haynes and Sawkill, Wrangham J. [1960] 1 W.L.R. 968.

Damages. (*See also* **Adultery.**)

Order in favour of infant

Form—To include provision for payment out to him on or after attaining age of 21—Assimilation to practice of Queen's Bench Division—Jurisdiction—Matrimonial Causes Act, 1950, s. 30 (3).
Collins v. Collins, C.A. [1953] P. 54; [1953] 2 W.L.R. 20.

Death of party

Costs

Costs against co-respondent—Death of petitioner before decree absolute or taxation—Liability of co-respondent to pay personal representatives—Meaning of "persons interested"—Attorneys and Solicitors Act, 1870, s. 19—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1).
Kelly v. Kelly and Brown (Westminster Bank intervening), Marshall J. [1960] 3 W.L.R. 822.

Death, on ground of presumption of. (*See also* PRESUMPTION.)

Effect of decree

Wife petitioner not dead—Application by wife for maintenance—Whether distinction between "dissolution" and "divorce"—Matrimonial Causes Act, 1950. ss. 16, 19.
Deacock v. Deacock, C.A. [1958] P. 230; [1958] 3 W.L.R. 191.

Notice of appeal

Notice of appeal to be served by advertisement.
Maxted v. Maxted (Practice Note), C.A. [1956] 1 W.L.R. 1502.

Service of petition

Leave to dispense with service—Matrimonial Causes Act 1950, s. 16 (1) (2)—Matrimonial Causes Rules, 1950, r. 9 (5).
N. v. N., Sachs J. [1957] P. 385; [1957] 2 W.L.R. 477.

Decree absolute

Application for, after one year

Cohabitation resumed after decree nisi—Oral evidence required save in special circumstances—Matrimonial Causes Rules, 1950, r. 40.
Rose v. Rose (Practice Note), Willmer J. [1957] 1 W.L.R. 451.

Decree nisi

Form of decree

Naming parties found guilty of adultery.
Miller (formerly Kozubowski) v. Kozubowski. (Practice Note), Mr. Commissioner Latey Q.C. [1956] 1 W.L.R. 93.
Practice Direction, Probate [1959] 1 W.L.R. 210.

Delay in prosecuting petition

Notice of intention to proceed

Delay of one year—Month's notice of intention to proceed—Whether applicable to matrimonial suits—R.S.C., Ord. 64, r. 13—Matrimonial Causes Rules, 1950, rr. 79, 80. **Browning v. Browning,** Pilcher J. [1951] W.N. 225; [1951] 1 T.L.R. 715; [1951] 1 All E.R. 758.

HUSBAND AND WIFE—*continued.*

- **Divorce**—*continued.*
  - *Delay, unreasonable*
    - Adultery
      - Knowledge thereof—Separation of parties—Wife living in adultery for nine years prior to petition—Husband without knowledge of adultery until shortly before petition filed—Whether delay unreasonable—Matrimonial Causes Act, 1950, s. 4 (2). **Brown v. Lloyd and Lloyd,** Karminski J. [1957] P. 367; [1957] 2 W.L.R. 951.
      - No action until petitioner desired to re-marry—Exercise of discretion—Matrimonial Causes Act, 1950, s. 4 (2) (*i*). **Purton v. Purton and George,** Karminski J. [1957] 1 W.L.R. 216.
      - Principles applicable—Public policy—Matrimonial Causes Act, 1950, s. 4 (2). **Lowe v. Lowe,** Karminski J. [1952] P. 376; [1952] 2 T.L.R. 505; [1952] 2 All E.R. 671.
      - Unsuccessful inquiries for respondent—Saving money for divorce—Matrimonial Causes Act, 1950, s. 4 (2) (i). **Key v. Key and Staples,** Karminski J. [1957] 1 W.L.R. 220.
    - Cruelty
      - Continued cohabitation. **Llewellyn v. Llewellyn,** C.A. [1955] 1 W.L.R. 480.
    - Desertion
      - Previous petition alleging cruelty and adultery dismissed—Second petition alleging desertion—Unreasonable delay. **Bright v. Bright,** Willmer J. [1954] P. 270; [1953] 3 W.L.R. 659.
  - *Desertion. See* **Desertion.**
  - *Discovery. See* PRACTICE.
  - *Discretion*
    - Exercise
      - No finding on issue of desertion—Refusal of court to exercise discretion on petitioner's admission of adultery—Duty of court to find for or against petitioner on matrimonial offence alleged before exercising discretion—Matrimonial Causes Act, 1950, s. 4 (1) (2). **Burford v. Burford,** C.A. [1955] 1 W.L.R. 1242.
      - Only matters proved to be taken into account—Matters relevant in discretion statement—Matrimonial Causes Act, 1950, s. 4. **Coleman v. Coleman,** C.A. [1955] 1 W.L.R. 1235.
      - Previous petition dismissed—Degree of regard to be paid to adverse observations in previous judgment—Matrimonial Causes Act, 1950, s. 4. **Sharma v. Sharma and Davis,** C.A. [1959] 1 W.L.R. 1035.
      - Review by appellate tribunal—Sanctity of marriage—Matrimonial Causes Act, 1950, s. 4. **Moor v. Moor,** C.A. [1954] 1 W.L.R. 927.
    - Failure to pray for exercise. (See also *Rescission of decree.*)
      - Disclosure of petitioner's adultery after granting of decree nisi but before decree absolute—Proper course to be taken. **Gill v. Gill,** Karminski J. [1957] P. 151; [1956] 3 W.L.R. 695. **Onions v. Onions,** Collingwood J. [1960] 1 W.L.R. 983.
    - Form of statement
      - Must be complete. **Practice Note,** Barnard J. [1952] W.N. 102.
      - Phraseology of prayer—Matrimonial Causes Rules, 1950, r. 17. **Practice Direction (Prayer for Discretion),** Probate [1957] 1 W.L.R. 558.
      - Propriety of preparation by lawyers. **Levett v. Levett and Smith,** C.A. [1957] P. 156; [1957] 2 W.L.R. 484.
    - Statement as basis for cross-charge. (See also *Pleading.*)
      - Admission of adultery in cross-examination—Whether questions on adultery objectionable—Leave to amend answer to alleged adultery based on petitioner's admission in evidence—Whether party seeking exercise of court's discretion entitled to defer evidence of adultery until after decision on issue of cruelty—Proper practice—Matrimonial Causes Act, 1950, s. 32 (3)—Matrimonial Causes Rules, 1957, r. 28 (5). **Lewis v. Lewis,** C.A. [1958] P. 193; [1958] 2 W.L.R. 747.
    - Statement as evidence
      - Contents inadmissible until put in evidence by party concerned—Matrimonial Causes Rules, 1957, r. 28 (5). **Filmer v. Filmer,** Lord Merriman P. [1959] 1 W.L.R. 492.
  - *Domicile. See* CONFLICT OF LAWS; *Foreign decree, validity*
  - *Estoppel. See* ESTOPPEL.
  - *Evidence. See* **Adultery; Cruelty;** EVIDENCE; *Undefended petition.*
  - *Fresh evidence. (See also Appeal.)*
    - After judgment reserved
      - Evidence not immediately relating to issues pleaded. **Burgess v. Burgess,** Collingwood J. [1958] 1 W.L.R. 608.
    - Order by justices
      - Admissibility to prove cruelty—Matrimonial Causes Act, 1950, s. 7 (2). **Fromhold v. Fromhold,** C.A. [1952] W.N. 278; [1952] 1 T.L.R. 1522.

HUSBAND AND WIFE—*continued.*

Divorce—*continued.*

Expedited decree

Cross-petition

Petition filed within three years of marriage—Prayer for dissolution in answer—No further leave required—Matrimonial Causes Act, 1950, ss. 2, 6.
Hollingsworth v. Hollingsworth, Collingwood J. [1952] P. 277; [1952] 2 T.L.R. 202; [1952] 2 All E.R. 284.

Exceptional hardship

Subjective approach in exercise of court's discretion—Pregnancy of wife by adultery—Matrimonial Causes Act, 1950, s. 2 (1) (2) and (3).
Hillier v. Hillier and Latham, C.A. [1958] P. 186; [1958] 2 W.L.R. 937.

Exceptional hardship or depravity

Evidence—Consideration of respondent's affidavit—Discretion of judge—Matrimonial Causes Act, 1950, s. 2. **Simpson v. Simpson,** C.A. [1954] 1 W.L.R. 994.

Jurisdiction of special commissioner to grant leave

Supreme Court of Judicature (Consolidation) Act, 1925, s. 70 (5)—Matrimonial Causes Act, 1937, s. 1 (1).
Ambler v. Ambler, Wallington J. (Leeds Winter Assizes) [1951] 1 All E.R. 980.

Supreme Court of Judicature (Consolidation) Act, 1925, s. 70 (5)—Matrimonial Causes Act, 1950, s. 2 (1)—Matrimonial Causes (Special Commission) (No. 2) Order, 1946, art. 1 (1)—Matrimonial Causes Rules, 1950.
Johnson v. Johnson, C.A. [1952] P. 47; [1952] 1 T.L.R. 309; [1952] 1 All E.R. 250.

Jurisdiction to grant interim relief

Originating summons by wife for leave to present petition within three years of marriage—Determination on summons adjourned sine die—Injunction sought to restrain husband from interfering with occupancy of matrimonial home—Matrimonial Causes Rules, 1957, r. 2—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45. **Winstone v. Winstone,** Winn J. [1960] P. 28; [1959] 3 W.L.R. 660.

Originating summons

Marriage certificate—Matrimonial Causes Act, 1950, s. 2.
Practice Direction (Originating Summons), Probate [1957] 1 W.L.R. 259.

Foreign decree, validity

Burden of proof

Consequential validity of subsequent marriage—Correct formalities followed by long cohabitation—Presumption or otherwise of validity of that marriage.
Gatty (F. A.) and Gatty (P. Y.) v. Attorney-General, Karminski J. [1951] P. 444; [1951] 2 T.L.R. 599.

Declaration of validity

Juridiction to grant—Domicile of petitioner in England if decree valid—Jewish divorce in London—No prayer for other relief—R.S.C., Ord. 25, r. 5.
Har-Shefi v. Har-Shefi, Barnard J. [1952] W.N. 492; [1952] 2 T.L.R. 784; [1952] 2 All E.R. 821.
C.A. [1953] P. 161; [1953] 2 W.L.R. 690.

——————— No jactitation of marriage.
Igra v. Igra, Pearce J. [1951] P. 404; [1951] 2 T.L.R. 670.

Domicile at time of desertion, based on

Similar English jurisdiction—Validity—Declaration—Matrimonial Causes Act (Northern Ireland), 1939, s. 26—Matrimonial Causes Act, 1950, s. 18 (1) (*a*).
Carr v. Carr, Barnard J. [1955] 1 W.L.R. 422.

Fraud, procured by

Respondent prevented from having notice of proceedings—Whether foreign decree valid.
Macalpine v. Macalpine, Sachs J. [1958] P. 35; [1957] 3 W.L.R. 698.

Polygamous marriage system

Christian marriage—Mahommedan divorce—Husband domiciled in Egypt—English wife—Parties married in England at register office—Whether Mahommedan divorce valid in England.
Maher v. Maher, Barnard J. [1951] P. 342; [1951] 1 T.L.R. 1163; [1951] 2 All E.R. 37.

Residence of wife, based on

Cross-petition by husband, decree granted on—Foreign decree on answer to wife's petition based on residence—Husband domiciled in England—Wife resident in Germany—Wife's petition for divorce in Germany dismissed—Cross-petition for divorce of husband granted by German court—Whether husband's decree valid—Matrimonial Causes Act, 1950, ss. 6, 18 (1).
Levett v. Levett and Smith, C.A. [1957] P. 156; [1957] 2 W.L.R. 484.

Ground of decree unrecognised in England—Foreign decree based on last common residence—Decree to wife domiciled in England—Wife petitioner in fact resident for over three years in the foreign jurisdiction—Grounds of divorce alien to English law—Recognition of decree—Matrimonial Causes Act, 1950, s. 18 (1) (*b*).
Manning v. Manning, Mr. Commr. Latey Q.C. [1958] P. 112; [1958] 2 W.L.R. 318.

Ground of jurisdiction unrecognised in England—De facto ground of jurisdiction on English principles—Domicile—Matrimonial Causes Act, 1950, s. 18 (1) (*a*) and (*b*).
Arnold v. Arnold, Mr. Commr. Latey Q.C. [1957] P. 237; [1957] 2 W.L.R. 366.

HUSBAND AND WIFE—*continued.*

Divorce (*Foreign decree, validity*)—*continued.*

Residence of wife, based on—*continued.*

Ground of jurisdiction unrecognised in England—De facto ground of jurisdiction on English principles—Residence of wife for three years.

Manning v. Manning, Mr. Commr. Latey Q.C. [1958] P. 112; [1958] 2 W.L.R. 318.

Robinson-Scott v. Robinson-Scott, Karminski J. [1958] P. 71; [1957] 3 W.L.R. 842.

Residence for short period—90 days in Florida—Matrimonial Causes (War Marriages) Act, 1944—Matrimonial Causes Act, 1950, s. 18.

Dunne v. Saban, Davies J. [1955] P. 178; [1954] 3 W.L.R. 980.

Similar English jurisdiction—Validity of foreign decree—Comity—New South Wales Matrimonial Causes Act, No. 14, 1899, s. 16 (*a*)—Matrimonial Causes Act, 1937, s. 13. **Travers v. Holley,** C.A. [1953] P. 246; [1953] 3 W.L.R. 507.

Residence, decree recognised by court of place of

Decree obtained outside the jurisdiction of that court—Parties domiciled in England—Whether decree recognised in England—Collusion—Effect—"Ordinary residence"—Whether determined by founding proceedings on residence in other State—Matrimonial Causes Act, 1950, s. 18 (1) (*a*) (*b*).

Mountbatten v. Mountbatten, Davies J. [1959] P. 43; [1959] 2 W.L.R. 128.

Service, absence of

Divorce obtained by wife while resident in Berlin during war.

Igra v. Igra, Pearce J. [1951] P. 404; [1951] 2 T.L.R. 670.

Notice in Las Vegas newspaper.

Wood v. Wood, C.A. [1957] P. 254; [1957] 2 W.L.R. 826.

Situs of decree

Israeli decree in London—Parties then domiciled in Israel—Validity of divorce.

Har-Shefi v. Har-Shefi (No. 2), Pearce J. [1953] P. 220; [1953] 3 W.L.R. 200.

Guardian ad litem. (*See also* **Maintenance.**)

Consent to appointment of official solicitor

Proof of mental incapacity—Matrimonial Causes Rules, 1950, r. 64 (4).

Wickens v. Wickens, C.A. [1952] W.N. 301; [1952] 1 T.L.R. 1473; [1952] 2 All E.R. 98.

Insanity, divorce on ground of

Appointment of official solicitor—Matrimonial Causes Rules, 1957, r. 66 (9).

Practice Direction, Probate [1958] 1 W.L.R. 1015.

Injunction. (*See also Expedition.*)

Petition pending

Husband restrained from entering matrimonial home—Husband the owner.

Silverstone v. Silverstone, Pearce J. [1953] P. 174; [1953] 2 W.L.R. 513.

Jurisdiction—Husband's proceedings in the county court to evict daughters—Application in High Court to restrain proceedings.

Murcutt v. Murcutt, Willmer J. [1952] P. 266; [1952] 2 T.L.R. 274; [1952] 2 All E.R. 427.

Wife's application for injunction restraining husband from remaining in matrimonial home. **Gorulnick v. Gorulnick,** C.A. [1958] P. 47; [1958] 2 W.L.R. 58.

Insanity as defence. See **Condonation; Cruelty; Desertion.**

Insanity, on ground of. (*See also Guardian ad litem.*)

Care and treatment

Absence from mental hospital for cure of fractured leg—Mental Treatment Act, 1930, ss. 1 (1) (5), 2 (3), 3 (1)—Matrimonial Causes Act, 1950, s. 1 (1) (d) (2) (*a*) (*d*).

Swymer v. Swymer, Mr. Commr. Grazebrook Q.C. [1954] 1 W.L.R. 1329.
C.A. [1955] P. 11; [1954] 3 W.L.R. 803.

Absence from mental hospital for treatment for tuberculosis—Matrimonial Causes Act, 1950, s. 1 (1) (*d*)—Divorce (Insanity and Desertion) Act, 1958, s. 1 (1) (3).

Mesure v. Mesure, Lloyd-Jones J. [1960] P. 184; [1960] 3 W.L.R. 78.

Admission under an "urgency order"—Regrading as voluntary patient—Lunacy Act, 1890, s. 11 (1)—Matrimonial Causes Act, 1950, s. 1 (1) (*d*), (2) (*a*) (*d*).

Chapman v. Chapman, Mr. Commr. Grazebrook Q.C. [1954] 1 W.L.R. 1332.

Continuous—Evidence—Residence in hospital or other institution—Evidence of status thereof—Divorce (Insanity and Desertion) Act, 1958, s. 1 (1) (3).

Tate v. Tate, Lord Merriman P. [1959] 1 W.L.R. 666.

Incorrect word in form—"Declare"—"Certify"—Lunacy Act, 1890, s. 38 (4) (as amended by the Act of 1891, s. 7)—Matrimonial Causes Act, 1950, s. 1 (1) (*d*) (2) (*a*)—Mental Treatment Rules, 1930, r. 2 (2), form 27—Mental Treatment Rules, 1948, r. 2 (2), form 20.

Warren v. Warren, Mr. Commr. Grazebrook Q.C. [1953] 1 W.L.R. 1268.

Voluntary patient—Previous detention following upon admission of wife as temporary patient on application of husband—Visitors' certificate that wife should continue to be detained as temporary patient—Whether detention "in pursuance of order"—Compliance with all safeguards of Mental Treatment Act, 1930, s. 5—Matrimonial Causes Act, 1950, s. 1 (2) (*a*) and (*d*).

Bithell v. Bithell, Lord Merriman P. [1955] P. 76; [1954] 3 W.L.R. 463.

HUSBAND AND WIFE—*continued.*

Divorce (*Insanity, on ground of*)—*continued.*

Care and treatment—*continued.*

Voluntary patient—Subsequent admission again as voluntary patient—Short absence on trial—Notice of discharge signed in error during absence—Discharge a nullity—Mental Treatment Act, 1930, s. 5 (14)—Mental Treatment Rules, 1930, rr. 5, 39—Matrimonial Causes Act, 1950, s. 1 (1) (*d*) (2) (*a*) (*d*).
Wyatt v. Wyatt, Karminski J. [1954] P. 26; [1953] 2 W.L.R. 1158.

Wife " incurably of unsound mind "—Detention for part of time in Scotland and part in England—Break in continuity during transference—Whether " continuously under " care and treatment " for five-year period—Matrimonial Causes Act, 1937, ss. 2 (*d*), 3—Law Reform (Miscellaneous Provisions) Act, 1949, s. 3—Matrimonial Causes Act, 1950, s. 1 (1) (*d*) (2).
Frank v. Frank, Mr. Commr. Bush James, K.C. [1951] W.N. 276; [1951] 2 T.L.R. 38.
C.A. [1951] P. 430; [1951] 2 T.L.R. 404; [1951] 2 All E.R. 503.

" Without any interval "—Detention under temporary order—Discharge—Re-admission 12 days later as voluntary patient—Whether receiving treatment " without any " interval "—Matrimonial Causes Act, 1950, s. 1 (1) (*d*) (2) (*a*) (*d*).
Charlton v. Charlton, C.A. [1955] 1 W.L.R. 675.

Evidence

Affidavit, by. **Practice Note. (Divorce: Evidence),** Probate [1956] 1 W.L.R. 896.

Evidence from mental hospitals—Treatment delegated to consultants—Nature of evidence required—Affidavits from mental hospitals.
Usher v. Usher. (Practice Note), Lord Merriman P. [1956] 1 W.L.R. 894.

Guardian ad litem. *See Guardian ad litem.*

Incurable unsoundness of mind

Divorce (Insanity and Desertion) Act, 1958, s. 1.
Lock v. Lock, Mr. Commr. Latey Q.C. [1958] 1 W.L.R. 1248.

Test of—Matrimonial Causes Act, 1950, s. 1 (1) (*d*).
Whysall v. Whysall, Phillimore J. [1960] P. 52; [1959] 3 W.L.R. 592.

Insane party. See Guardian ad litem.

Interrogatories

Cruelty

Whether permissible—Matrimonial Causes Rules, 1950, r. 23.
Hulbert v. Hulbert, C.A [1957] P. 174; [1957] 2 W.L.R. 808.

Lost or destroyed letters

Power to allow. **Ramsey v. Ramsey,** Davies J. [1956] 1 W.L.R. 542.

Intervener

Lesbianism alleged

Allegation not proved—Dismissal of intervener from suit.
Spicer v. Spicer (Ryan intervening), Karminski J. [1954] 1 W.L.R. 1051.

Right of other woman to intervene—Matrimonial Causes Act, 1950, s. 31.
D. v. D., C.A. [1952] W.N. 486; [1952] T.L.R. 791; [1952] 2 All E.R. 854.

Jurisdiction. See Foreign decree; Residence; **Marriage** (Polygamous).

Maintenance. See **Maintenance** (*Divorce*).

Mentally deficient party. See Guardian ad litem.

New trial. See Rehearing.

Pleading

Address of petitioner

Application for leave to omit address—Matrimonial Causes Rules, 1950, r. 4 (1) (*d*)—Matrimonial Causes (Amendment) Rules, 1957, r. 5.
Practice Direction (Address of Petitioner), Probate [1957] 1 W.L.R. 557.

——————— Matrimonial Causes Rules, 1959, r. 4 (1) (*d*).
Practice Direction, Probate [1960] 1 W.L.R. 548.

Adultery

Particulars—Allegation that petitioner not father of respondent's child.
Banks v. Banks, C.A. [1952] P. 249; [1952] 2 All E.R. 232.

——————— Particulars of letters sent to respondent by co-respondent.
Oxlade v. Oxlade, C.A. [1952] W.N. 183; [1952] 1 T.L.R. 809.

Relevance of plea of adultery with admission of condonation.
Gillett v. Gillett, C.A. [1952] W.N. 266; [1952] 1 All E.R. 1399.

Affidavit in support

Whether evidence at hearing—Cross-examination—Matrimonial Causes Act, 1950, s. 32 (3). **Corfe v. Corfe,** C.A. [1960] 1 W.L.R. 208.

Amendment

Affidavit—Need for—Amendment of answer—Matrimonial Causes Rules, 1950, r. 15 (3).
Cheetham v. Cheetham, C.A. [1954] 1 W.L.R. 990.

After close of evidence—Paucity of evidence on material issue—Danger.
Benton v. Benton, C.A. [1958] P. 12; [1957] 3 W.L.R. 801.

HUSBAND AND WIFE—*continued.*

Divorce (*Pleading*)—*continued.*

Amendment—*continued.*

After decree—Particulars of second marriage ceremony set out in petition—No reference to earlier effective marriage—Decrees nisi and absolute—Jurisdiction to amend decrees—R.S.C., Ord. 28, r. 11.
Thynne v. Thynne, Lord Merriman P. [1955] 3 W.L.R. 108; C.A. [1955] P. 272; [1955] 3 W.L.R. 465.

After discretion statement put in evidence—Amendment to allege adultery—Costs.
Long v. Long, Karminski J. [1960] 1 W.L.R. 546.

After evidence of adultery. **Burford v. Burford,** C.A. [1955] 1 W.L.R. 1242.
Clueit v. Clueit, Davies J. [1958] 1 W.L.R. 463.
Clear v. Clear, C.A. [1958] 1 W.L.R. 467.
Lewis v. Lewis, C.A. [1958] P. 193; [1958] 2 W.L.R. 747.

Cruelty charges added in petition founded on desertion—Applicability of ordinary rules as to amendment—R.S.C., Ord. 28, r. 1—Matrimonial Causes Rules, 1957, r. 82.
Nelson v. Nelson, C.A. [1958] 1 W.L.R. 894.

Desertion within three years of petition—Amending reply to allege desertion in answer to cross-petition—Cross-petition an amendment to answer—Three years not completed at date of petition nor of original answer.
Thatcher v. Thatcher and Gill (Wheeler Intervening), Probate [1959] 1 W.L.R. 730.

——— Amending to allege desertion by way of cross-petition—Three years not completed at date of original answer.
Robertson v. Robertson, Barnard J. [1954] 1 W.L.R. 1537.

——— Amendment of answer to allege desertion by way of cross-petition—Three years completed at date of amendment but not at date of answer—Leave at hearing to amend answer further by striking out prayer for divorce—Leave to file a fresh petition seeking divorce and to consolidate the two suits. **Jacobs v. Jacobs,** Karminski J. [1960] 1 W.L.R. 1236.

——— Amendments of cross-petition and reply to cross-petition to allege desertion—Three years' desertion not completed at date of original petition and answer—Three years' desertion completed at date of hearing—Validity of amendments—Effect of disposing of original prayers before allowing amendments—Matrimonial Causes Act, 1950, s. 1 (1) (*b*)—Matrimonial Causes Rules, 1957, r. 3 (2)—R.S.C., Ord. 70, r. 1.
Blacker v. Blacker, C.A. [1960] P. 146; [1960] 2 W.L.R. 800.

Ancillary relief

Remedy where application for ancillary relief omitted—Matrimonial Causes Rules, 1950, rr. 3 (3), 44 (1)—Matrimonial Causes (Amendment) Rules, 1957, rr. 4, 16.
Practice Direction (Ancillary Relief), Probate [1957] 1 W.L.R. 555.

Answer

Bare denial—Provocation and other matters of the nature of confession and avoidance alleged at hearing. **Finch v. Finch,** Mr. Comr. Latey, Q.C. [1960] 1 W.L.R. 429.

Children of the marriage

Petition. **Practice Direction,** Probate [1959] 1 W.L.R. 550.

Cruelty

General cruelty allegation—No particulars—What may be proved—Need for notice.
Gunner v. Gunner (Practice Note), Barnard J. [1954] 1 W.L.R. 410.

Desertion

Denial—Particulars—Matrimonial Causes Rules, 1950, r. 17.
Slater v. Slater, Willmer J. [1952] W.N. 260; [1952] 1 T.L.R. 1314; [1952] 1 All E.R. 1343.

Discretion prayer. *See Discretion.*

Particulars. *See also* Adultery.

Request to be filed with particulars—Matrimonial Causes Rules, 1950, r. 21.
Practice Note, Div. [1952] W.N. 310.

Previous proceedings (summary jurisdiction)

Matrimonial Causes Rules, 1950, r. 4 (1) (*h*).
Practice Note, Div., Karminski J. [1952] W.N. 482; [1952] 2 All E.R. 938.

Reasonable belief in improper associations

Pleaded as defence to charge of false accusations—Whether evidence of conduct on which belief based can be adduced if not pleaded.
Nevill v. Nevill, Sachs J. [1959] 1 W.L.R. 320.

Striking out

Rules of pleading to be observed.
Thompson v. Thompson, C.A. [1957] P. 19; [1957] 2 W.L.R. 138.

Polygamous marriage. See **Marriage.**

Privilege from discovery. See Practice.

Public interest in. (*See also* **Justices.**)

Burden of proof

"Beyond reasonable doubt."
Preston-Jones v. Preston-Jones, H.L.(E.) [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124.

HUSBAND AND WIFE—*continued.*

- **Divorce** (*Public interest in*)—*continued.*
  - Solicitor's lien for costs
    - Whether lien absolute.
      Hughes v. Hughes, Wrangham J. [1958] P. 221; [1958] 2 W.L.R. 934. C.A. [1958] P. 224; [1958] 3 W.L.R. 500.
- *Rehearing*
  - Application for
    - Affidavit in support—Necessary contents—Matrimonial Causes Rules, 1950, r. 36 (1).
      Middleton v. Middleton, Divl.Ct. [1952] W.N. 450; [1952] 2 All E.R. 693.
    - Transcript to be submitted to Divisional Court—Matrimonial Causes Rules, 1957, r. 36 (1). **Lambie v. Lambie,** Divl.Ct. [1959] 1 W.L.R. 493.
  - Jurisdiction of Divisional Court
    - Application for rehearing of undefended suit—No appearance entered—Respondent's request for adjournment refused—Whether jurisdiction in Divisional Court to hear application—Matrimonial Causes Rules, 1950, r. 36.
      Taylor v. Taylor, Divl.Ct. [1951] W.N. 328; [1951] 2 T.L.R. 131.
    - Concurrent appeal to Court of Appeal—Allegation of undisclosed adultery—Matrimonial Causes Rules, 1950, r. 36 (1).
      Wells-King v. Wells-King, Divl.Ct. [1955] 1 W.L.R. 309.
    - Decree nisi to wife in defended suit—Wife's undisclosed adultery—Husband's ignorance of adultery at trial—Subsequent application by husband for re-hearing—No error of the court. **Alhadeff v. Alhadeff,** Divl.Ct. [1951] W.N. 367.
    - Husband's petition on ground of adultery—Wife's evidence in rebuttal—Statement that woman present in matrimonial home at material times—Husband's petition dismissed—Subsequent discovery that woman not present—"Where no error of "the court is alleged"—Construction—Application for rehearing of cause—Matrimonial Causes Rules, 1947, r. 36 (1).
      Prince v. Prince, C.A. [1951] P. 71; [1950] 2 All E.R. 375.
    - Husband's undefended petition heard by judge alone—Decree made absolute—No notification to wife of hearing—Desire to defend—Ignorance of procedure—No error of court alleged—Matrimonial Causes Rules, 1947, r. 36 (1)—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*e*).
      Edwards v. Edwards, Divl.Ct. [1951] P. 228; [1951] 1 T.L.R. 600; [1951] 1 All E.R. 63.
    - No entry of appearance—No appeal "in ordinary course" to Court of Appeal—Possible "error of the court"—Matrimonial Causes Rules, 1950, r. 36 (1).
      Skull v. Skull, Divl.Ct. [1954] P. 458; [1954] 2 W.L.R. 1049.
  - Perjury
    - Denial of adultery—Dismissal of wife's petition—Later confession to perjured evidence on behalf of husband—Application for new trial—R.S.C., Ord. 58, r. 10.
      Piotrowska v. Piotrowski, C.A. [1958] 1 W.L.R. 797.
- *Rescission of decree*
  - Decree absolute
    - Wife unaware of proceedings—Voidable—Avoidance after re-marriage—Whether children of second marriage legitimate.
      Wiseman v. Wiseman, C.A. [1953] P. 79; [1953] 2 W.L.R. 499.
  - Decree nisi
    - Application to rescind—Jurisdiction of court to hear application—"Any person"—Meaning—Whether including party to suit—Matrimonial Causes Act, 1950, s. 12 (2).
      Squires v. Squires, Stevenson J. [1959] 1 W.L.R. 483.
    - Co-respondent an infant—Guardian ad litem not appointed—Application to rescind decree—Procedure—Matrimonial Causes Rules, 1957, r. 66 (3).
      Roberts v. Roberts and Peters, Stevenson J. [1959] 1 W.L.R. 663.
  - Failure to pray for discretion.
    White v. White, Willmer J. [1952] P. 395; [1952] 2 T.L.R. 534.
    - Substitution of decree of judicial separation—Discretionary power of substitution.
      Davies v. Davies, Karminski J. [1956] P. 212; [1955] 3 W.L.R. 840.
    - ———————— Motive—Power of substitution discretionary—Supreme Court of Judicature (Consolidation) Act, 1925, s. 183 (3)—Matrimonial Causes Act, 1937, s. 9.
      Jeffrey v. Jeffrey, Pearce J. [1951] P. 32; 66 T.L.R. (Pt. 2) 294; [1950] 2 All E.R. 449.
- *Residence as basis of decree.* (*See also Foreign decree, validity*; RESIDENCE.)
  - Cross-petition by husband
    - Petition based on wife's residence—Whether husband entitled to cross-petition—"Proceedings by a wife"—Meaning of "proceedings"—Matrimonial Causes Act, 1950, ss. 6, 18 (1).
      Levett v. Levett and Smith, C.A. [1957] P. 156; [1957] 2 W.L.R. 484.
  - Cross-petition by wife
    - Husband found domiciled abroad—Wife's three years' ordinary residence in England—Suit instituted by husband—Jurisdiction to grant wife a decree—Suit instituted by wife—No jurisdiction to grant husband a decree—Matrimonial Causes Act, 1950, ss. 6, 18 (1) (*b*).
      Russell v. Russell and Roebuck, Sachs J. [1957] P. 375; [1957] 2 W.L.R. 897.

HUSBAND AND WIFE—*continued.*

Divorce—*continued.*

Rules of Supreme Court

Applicability

Settlement of wife's property for benefit of husband—Drafting of settlement by conveyancing counsel—Applicability of R.S.C., Ord. 51, r. 7—Matrimonial Causes Rules, r. 80—Matrimonial Causes Act, 1950, s. 24 (1).
Style v. Style and Keiller, Barnard J. [1953] 3 W.L.R. 613; C.A. [1954] P. 209; [1954] 2 W.L.R. 306.

Separation agreement. (*See also* **Desertion; Maintenance.**)

Covenant not to petition

Covenant not to institute proceedings for restitution of conjugal rights "or otherwise"—No bar to proceedings for divorce
Keeble v. Keeble, Mr. Commr. Latey Q.C. [1956] 1 W.L.R. 94.

Rose v. *Rose* clause—Covenant not to plead, allege or give evidence of pre-deed matrimonial offences—Husband's petition alleging post-deed adultery—Wife's and co-respondent's answers alleging pre-deed cruelty and adultery and post-deed adultery—Prayer for exercise of discretion in petition and wife's answer—Distinction between inter partes rights of spouses and right of court—Estoppel—Rights of co-respondent where no prayer for costs against him—Matrimonial Causes Act, 1950, s. 4—Matrimonial Causes Rules, 1950, rr. 16, 28.
N. v. N. and L., Sachs J. [1957] P. 333; [1957] 2 W.L.R. 796.

Service of charges on named woman

Adultery not alleged

Allegation by wife of improper association by husband with named woman—No application to intervene—Costs.
Collins v. Collins, Mr. Commr. Gallop, Q.C. [1960] 1 W.L.R. 660.

Allegations by wife of associations by husband with married women—Associations not adulterous but discreditable.
Green v. Green and Partridge, Karminski J. [1958] 1 W.L.R. 1104.

Service of petition. (*See also Death*; *Rescission of decree.*)

Dispensing with

Respondent a political prisoner—Discretion—Matrimonial Causes Rules, 1950, r. 9 (5).
Spalenkova v. Spalenkova, Willmer J. [1954] P. 141; [1953] 3 W.L.R. 681.

Infant, on

Mandatory nature of rules—Matrimonial Causes Rules, 1950, r. 64 (3) (9).
Stanga v. Stanga, Divl.Ct. [1954] P. 10; [1953] 3 W.L.R. 609.

Personal service—No service on father or guardian—Service deemed good service—Matrimonial Causes Rules, 1957, r. 66 (3).
Watts v. Watts, Sachs J. [1959] 1 W.L.R. 849.

Insane person, on

Respondent of unsound mind—Mandatory nature of rules—Matrimonial Causes Rules, 1950, r. 64 (5) (9).
Gore-Booth v. Gore-Booth, Divl.Ct. [1954] P. 1; [1953] 3 W.L.R. 602.

Submission of no case. (*See also* **Justices** (*Trial*).)

Election

By co-respondent—Matrimonial Causes Act, 1950, s. 5.
Lance v. Lance and Gardiner, Mr. Commr. Latey Q.C. [1958] P. 134; [1958] 2 W.L.R. 316n.

By co-respondent or party cited—Matrimonial Causes Act, 1950, s. 5.
Beal v. Beal (Reade cited), Mr. Commr. Latey Q.C. [1953] 1 W.L.R. 1365.

By intervener—Matrimonial Causes Act, 1950, s. 5.
Gilbert v. Gilbert and Abdon (Adams Intervening), Sachs J. [1958] P. 131; [1958] 2 W.L.R. 8.

By husband. **Wilson v. Wilson,** Karminski J. [1958] 1 W.L.R. 1090.

By party cited—Matrimonial Causes Act, 1950, s. 5.
Meyer v. Meyer (Hodge Cited), Collingwood J. [1959] 1 W.L.R. 957.

Summons

Counsel

Hearing—Time and place. **Practice Direction,** Probate [1953] 1 W.L.R. 474.

Three year rules. See Expedited decree; **Desertion.**

Trial. (*See also Submission of no case.*)

No evidence adduced by one party seeking decree

Jurisdiction of court.
Black v. Black (May intervening), Sachs J. [1960] 1 W.L.R. 182.

Right to begin.

Desertion alleged—Just cause as defence.
Arding v. Arding (Practice Note), Karminksi J. [1954] 1 W.L.R. 944.

Undefended petition

Evidence

Leading questions.
Harland v. Harland, Lord Merriman P. [1951] W.N. 194; [1951] 1 T.L.R. 69.
Perry v. Perry, C.A. [1952] P. 203; [1952] 1 T.L.R. 1633; [1952] 1 All E.R. 1076.
Moor v. Moor, C.A. [1954] 1 W.L.R. 927.

HUSBAND AND WIFE—*continued.*

Divorce (*Undefended petition*)—*continued.*

Notice to produce relevant correspondence

Need for. **Practice Note (Notice to Produce),** Karminski J. [1953] 1 W.L.R. 490.

Divorce Registry. *See* PROBATE (**Probate and Divorce Registries**).

Guardian ad litem. *See* **Divorce; Maintenance** (*Divorce*).

Insanity. *See* **Cruelty; Divorce.**

Jactitation of marriage

Foreign divorce

Subsequent cohabitation

Divorce obtained by wife while resident in Berlin during war—Husband in England—Subsequent voluntary resumption of cohabitation—Separation—Husband went through ceremony of marriage in America—Wife's suit for injunction on ground of jactitation of marriage.
Igra v. Igra, Pearce J. [1951] P. 404; [1951] 2 T.L.R. 670.

Judicial separation

Costs

Liability of woman named

Power of court to order woman named to pay wife's costs—Matrimonial Causes Act, 1950, ss. 3 (2), 14 (1).
Leach v. Leach and Harrower (Practice Note), Mr. Commr. Latey Q.C. [1958] 1 W.L.R. 146.

Discretion statement

Not required

Prayer for discretion not required in petition for judicial separation—Matrimonial Causes Act, 1950, s. 14 (1)—Matrimonial Causes Rules, 1957, rr. 4 (4), 28 (1).
Haniver v. Haniver, Sachs J. [1960] 1 W.L.R. 310.

Form of decree

Whether complete

Adultery with three women found against husband—Only one of three women intervening—Direction to amend decree to show judge's findings—No valid distinction sustainable between man and woman served with proceedings and found guilty of adultery. **Schlesinger v. Schlesinger,** C.A. [1959] 1 W.L.R. 92.

Jurisdiction

Residence

Quality of residence in England necessary—Supreme Court of Judicature (Consolidation) Act, 1925, s. 32.
Matalon v. Matalon, C.A. [1952] P. 233; [1952] 1 T.L.R. 1467; [1952] 1 All E.R. 1025.

Maintenance. See **Alimony; Maintenance.**

Justices.

Adultery. See **Adultery;** *Discharge of maintenance order.*

Appeal from

Costs. (*See also* Reasons.)

Impropriety of clerk—No order against justices or clerk—Representation by amicus curiae. **Hobby v. Hobby,** Divl.Ct. [1954] 1 W.L.R. 1020.

Delay in appealing

Husband's sworn statement of a good defence—Rehearing ordered.
Smith v. Smith, Divl.Ct. [1957] 1 W.L.R. 802.

Exhibits

Provision. **Stretton v. Stretton (Practice Note),** Divl.Ct. [1953] 1 W.L.R. 1395.
Grainger v. Grainger, Divl.Ct. [1954] 1 W.L.R. 1270.

Fraud alleged

Procedure—Appeal by notice of motion—Summary Jurisdiction (Married Women) Act, 1895 (58 & 59 Vict. c. 39), s. 11—Matrimonial Causes Rules, 1957, rr. 36 (1), 73 (2). **Byatt v. Byatt,** Divl.Ct. [1958] 1 W.L.R. 1.

Other pending proceedings

Certificate for court. **Practice Direction,** Divl.Ct. [1958] 1 W.L.R. 1258.

Postponement of appeals

Practice. **Practice Note,** Divl.Ct. [1952] W.N. 396.

Question of fact

Right of appellate court to differ from trial court—Principles governing appellate court on questions of fact.
Simpson v. Simpson, Divl.Ct. [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955.

Reasons

Failure to furnish—Justices' liability for costs.
Starkie v. Starkie, Divl.Ct. [1953] 1 W.L.R. 1396.
Starkie v. Starkie (No. 2), Divl.Ct. [1954] 1 W.L.R. 98.

Necessity for—Matrimonial Causes Rules, 1950, r. 71 (3).
Practice Note, Divl.Ct. [1952] W.N. 462.

HUSBAND AND WIFE—*continued.*

Justices (*Appeal from*)—*continued.*

Reasons—*continued.*

Necessity to state precise nature of findings.
Davidson v. Davidson, Divl.Ct. [1953] 1 W.L.R. 387.

Provision—Time for—Notice of appeal not filed—Matrimonial Causes Rules, 1950, r. 71 (3).
Padley v. Padley (Practice Note), Divl.Ct. [1954] P. 302; [1953] 3 W.L.R. 834.

Service of documents relating to appeal

Infant respondent—Matrimonial Causes Rules, 1950, r. 4.
Levy v. Levy (Practice Note), Divl.Ct. [1957] 1 W.L.R. 369.

Transcripts of judgments

Provision at public expense.
Practice Direction. (Transcripts), Divl.Ct. [1955] 1 W.L.R. 975.

Assault on wife, order based on

Aggravated assault

Husband convicted summarily of an aggravated assault upon wife—Conditionally discharged—Effect of conditional discharge upon wife's application—Summary Jurisdiction (Married Women) Act, 1895, s. 4—Offences against the Person Act, 1861, ss. 20, 43—Criminal Justice Act, 1948, ss. 7, 12.
Cassidy v. Cassidy, Divl.Ct. [1959] 1 W.L.R. 1024.

Child, maintenance for

Adultery, belief in

Whether reasonable belief in wife's adultery defence to failure to maintain child—Summary Jurisdiction (Married Woman) Act, 1895, s. 4.
Cooke v. Cooke, Divl.Ct. [1961] P. 16; [1960] 3 W.L.R. 807.

Effect of application for

Wife's application for custody of and maintenance for child—No cross-complaint by husband—Whether original maintenance ordered for wife may be decreased.
Pepper v. Pepper, Probate [1960] 1 W.L.R. 131.

Maintenance after 16

Power to continue order after age of 16—Expediency—Father's low income—Factors to be considered—Married Women (Maintenance) Act, 1949, s. 2.
Nowell v. Nowell, Divl.Ct. [1951] W.N. 167; [1951] 1 T.L.R. 647; [1951] 1 All E.R. 474.

Neglect to maintain child only

Jurisdiction to award maintenance to wife—Married Women (Separation and Maintenance) Acts, 1895–1949.
Kinnane v. Kinnane, Divl.Ct. [1954] P. 41; [1953] 3 W.L.R. 782.

Separation by consent—Power to make order in favour of wife—Discretion as to amount in such circumstances. **Starkie v. Starkie (No. 2),** Divl.Ct. [1954] 1 W.L.R. 98.

Neglect to maintain wife only

Jurisdiction to make orders in respect of both child and wife—Matrimonial Causes Act, 1950, s. 23. **Ridley v. Ridley,** Barnard J. [1953] P. 150; [1953] 2 W.L.R. 681.

Clerk. See Trial.

Committal order. See Enforcement.

Conflict with jurisdiction of High Court. (*See also Discharge.*)

Wilful neglect to maintain

Existence of decree of judicial separation—Supreme Court of Judicature (Consolidation) Act, 1925, s. 190 (4)—Matrimonial Causes Act, 1950, s. 20 (2).
Cooper v. Cooper, Divl.Ct. [1953] P. 26; [1952] 2 T.L.R. 957; [1952] 2 All E.R. 857.

Cruelty. See **Cruelty.**

Desertion. See **Desertion.**

Discharge of maintenance order

Adultery by wife

After divorce—Application to discharge maintenance order—No evidence that man concerned was married—Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Chorlton v. Chorlton, Divl.Ct. [1952] P. 169; [1952] 1 T.L.R. 807; [1952] 1 All E.R. 611.

———— Meaning of "adultery"—Justices' discretion to keep order alive after decree—Summary Jurisdiction (Married Women) Act, 1893, s. 7—Matrimonial Causes Act, 1950, s. 19.
Abson v. Abson, Divl.Ct. [1952] P. 55; [1952] 1 T.L.R. 379; [1952] 1 All E.R. 370.

Condonation by husband—Ground for revocation of order—Summary Jurisdiction (Married Women) Act, 1895 (as amended), ss. 6, 7.
Marczuk v. Marczuk, Divl.Ct. [1956] 2 W.L.R. 1.
C.A. [1956] P. 217; [1956] 2 W.L.R. 849.

Conduct conducing—Conduced to by husband's adultery on which order based—Order not discharged—Summary Jurisdiction (Married Women) Act, 1895, ss. 6, 7.
Read v. Read, Divl.Ct. [1952] P. 119; [1951] 2 T.L.R. 1086.

Evidence of association before order—Estoppel—Res judicata—Summary Jurisdiction (Married Women) Act, 1895, s. 7
Roberts v. Roberts, Divl.Ct. [1954] P. 472; [1953] 3 W.L.R. 863.

HUSBAND AND WIFE—*continued.*

Justices (*Discharge of maintenance order*)—*continued.*

Adultery by wife—*continued.*

Fresh evidence—Application to discharge order—Practice—Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Newman v. Newman, Divl.Ct. [1958] 1 W.L.R. 35.

——— Variation of original order after adultery—Subsequent application to discharge—" Fresh evidence "—Summary Jurisdiction (Married Women) Act, 1895, s. 7. **Brammer v. Brammer,** Divl.Ct. [1954] 1 W.L.R. 599.

Amends for cruelty

Order for maintenance on grounds of persistent cruelty—No separation order—Attempt to make amends still open to husband—Possibility of subsequent application to revoke order. **Hutchinson v. Hutchinson,** Divl.Ct. [1951] W.N. 296.

Date

Revocation of order—Earliest date from which revocation can take effect—Summary Jurisdiction (Married Women) Act, 1895, s. 5 (*c*)—Magistrates' Courts Act, 1952, ss. 53–76. **Fildes (formerly Simkin) v. Simkin,** Divl.Ct. [1960] 2 W.L.R. 1.

Divorce. (*See also* Adultery by wife.)

Effect on maintenance order—Foreign divorce—Summary Jurisdiction (Married Women) Act, 1895, s. 7. **Wood v. Wood,** Divl.Ct. [1956] 3 W.L.R. 887.
C.A. [1957] P. 254; [1957] 2 W.L.R. 826.

Divorce pending

Negotiations pending suit—Undertaking by husband to divorce court not to apply to reduce justices' maintenance order—Public policy—Ouster of justices' jurisdiction—Summary Jurisdiction (Married Women) Act, 1895, s. 7.
Russell v. Russell, C.A. [1956] P. 283; [1956] 2 W.L.R. 544.

Prayer for alimony pending suit—Application by wife for discharge of existing order—No conflict of jurisdiction.
Pooley v. Pooley, Divl.Ct. [1952] P. 65; [1952] 1 T.L.R. 433; [1952] 1 All E.R. 395.

Jurisdiction

Application to vary order—Order revoked without complaint to revoke being made—No jurisdiction to revoke. **Bowen v. Bowen,** Divl.Ct. [1958] 1 W.L.R. 508.

Wife's application for increase of amount—Husband's application at hearing to discharge order—No complaint made by husband—No jurisdiction to discharge without complaint. **Trathan v. Trathan,** Divl.Ct. [1955] 1 W.L.R. 805.

Offer to resume cohabitation

Non-cohabitation clause—Fresh evidence—Application to strike out non-cohabitation clause and to vary maintenance order on ground of bona fide offer—Continuance or discharge of non-cohabitation clause to be decided first—Combined application inappropriate. **Bottoms v. Bottoms,** Divl.Ct. [1951] P. 424; [1951] 2 T.L.R. 365.

——— Possibility of reconciliation—Revocation of clause—Summary Jurisdiction (Married Women) Act, 1895, ss. 5 (*a*), 7.
Guiness v. Guiness, Divl.Ct. [1956] 1 W.L.R. 258.
Haynes v. Haynes, Divl.Ct. [1952] P. 272; [1952] 2 T.L.R. 313; [1952] 2 All E.R. 439.

Residence with husband continued

Husband living with wife in her house—Wife's leave and licence for him to do so—Separate domestic arrangements—" Resides with "—Order of no effect—Summary Jurisdiction (Separation and Maintenance) Act, 1925, s. 1 (4).
Curtin v. Curtin, Divl.Ct. [1952] 2 Q.B. 552; [1952] 1 T.L.R. 1394; [1952] 1 All E.R. 1348.

No cohabitation—Original order varied and arrears of maintenance remitted—Whether husband estopped thereafter from asserting original order void—Summary Jurisdiction (Separation and Maintenance) Act, 1925, s. 1 (4).
Harris v. Harris, Divl.Ct. [1952] W.N. 83; [1952] 1 T.L.R. 429; [1952] 1 All E.R. 401.

Spouses both resident in same house—Husband's subsequent absence from and return to residence—No resumption of cohabitation—Order enforceable—Summary Jurisdiction (Separation and Maintenance) Act, 1925, ss. 1 (4), 2 (2).
Hewitt v. Hewitt, Divl.Ct. [1952] 2 Q.B. 627; [1952] 2 T.L.R. 1; [1952] 2 All E.R. 250.

Reviver after discharge

Possibility of reviver—No distinction between " discharge " and " revocation."
Bowen v. Bowen, Divl.Ct. [1958] 1 W.L.R. 508.

Enforcement of maintenance order. (*See also* **Maintenance.**)

Case stated

Jurisdiction of Divisional Court—Procedure—Magistrates' Courts Act, 1952, s. 87—R.S.C., Ord. 59, r. 29.
Boulton v. Boulton, Divl.Ct. [1957] P. 9; [1956] 3 W.L.R. 698.

Committal order

Discharge of arrears by—Refusal of Divisional Court to order payments prior to date fixed by justices—Magistrates' Courts Act, 1952, ss. 64, 74, 75, 76.
Starkey v. Starkey, Divl.Ct. [1954] P. 449; [1954] 2 W.L.R. 907.

HUSBAND AND WIFE—*continued.*

Justices (*Enforcement of maintenance order*)—*continued.*

Committal order—*continued.*

Non-compliance with suspension on conditions—Accrual of further arrears—Payment of original arrears—Husband entitled to discharge of committal order—No implication of appropriation of sums paid to current payments of maintenance—Appropriation to original arrears—Summary Jurisdiction (Married Women) Act, 1895, s. 9—Bastardy Laws Amendment Act, 1872, s. 4—Summary Jurisdiction Act, 1848, ss. 28, 35—Summary Jurisdiction Act, 1879, ss. 5, 21 (1), 54—Criminal Justice Administration Act, 1914, ss. 3 (1), 32 (3).
Regina v. Miskin Lower, Glamorganshire Justices. *Ex parte* **Young,** Divl.Ct. [1953] 1 Q.B. 535; [1953] 2 W.L.R. 409.

———————— Release of suspension—Committal warrant—Validity—Habeas corpus—Money Payments (Justices Procedure) Act, 1935, s. 11. **Regina v. Governor of H.M. Bedford Prison.** *Ex parte* **Ames,** Divl.Ct. [1953] 1 W.L.R. 607.

Foreign order registered with justices

Jurisdiction limited to enforcement—Maintenance Orders (Facilities for Enforcement) Act, 1920, ss. 1, 4, 6
Pilcher v. Pilcher, Divl.Ct. [1955] P. 318; [1955] 3 W.L.R. 231.

Form of maintenance order

Power to antedate order

To date of wife's complaint—After rehearing.
Starkey v. Starkey, Divl.Ct. [1954] P. 449; [1954] 2 W.L.R. 907.
Meyer v. Meyer, Divl.Ct. [1957] 1 W.L.R. 927.

Fresh evidence. See Discharge (Adultery).

Infant. See Child

National assistance. See **Maintenance.**

Notice of allegations. See Practice before trial.

Polygamous marriage

Jurisdiction

Potentially polygamous marriage.
Sowa v. Sowa, Divl.Ct. [1960] 3 W.L.R. 733.

Practice before trial

Notice of allegations

Adultery as defence—Previous formulation of charges.
Frampton v. Frampton (Practice Note), Divl.Ct. [1951] W.N. 250.

Constructive desertion—Reasonable belief in adultery—Specific allegation and notice of adultery not necessary—Nature of case of reasonable belief required.
Sullivan v. Sullivan, Divl.Ct. [1956] 1 W.L.R. 277n.

Defence of belief in adultery—Notice. **Jones v. Jones,** Divl.Ct. [1954] 1 W.L.R. 1474.

Public interest in proceedings

Election to call no evidence

Whether evidence may be called at rehearing.
Storey v. Storey, C.A. [1960] 3 W.L.R. 653.
Horton v. Horton, Divl.Ct. [1960] 1 W.L.R. 987.

Quantum of maintenance

Attachment of earnings

Effect of order in subsequent proceedings as to quantum—Married Women (Summary Jurisdiction) Act, 1895, s. 7—Maintenance Orders Act, 1958, s. 6.
Pepper v. Pepper, Probate [1960] 1 W.L.R. 131.

Earning capacity

Husband. **Klucinski v. Klucinski,** Divl.Ct. [1953] 1 W.L.R. 522.

Excessive order

Attempt to force husband to grant wife tenancy by excessive order.
Wakeford v. Wakeford, Divl.Ct. [1953] 1 W.L.R. 1222.

Home Office circular

Guidance as to amount of maintenance—Court's discretion not superseded.
Buttle v. Buttle, Divl.Ct. [1953] 1 W.L.R. 1217.

Re-marriage of husband

Maintenance for first wife—Second wife's capabilities—Possibility of letting rooms.
Grainger v. Grainger, Divl.Ct. [1954] 1 W.L.R. 1270.

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Arrears accrued when order apparently discharged—Further arrears—Retrospective time-limit—Magistrates' Courts Act, 1952, s. 76.
Pilcher v. Pilcher (No. 2), Divl.Ct. [1956] 1 W.L.R. 298.

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Maintenance Orders Act, 1950, s. 1 (1).
Lowry v. Lowry, Divl.Ct. [1952] P. 252; [1952] 1 T.L.R. 1508; [1952] 2 All E.R. 61.

HUSBAND AND WIFE—*continued.*

Justices—*continued.*

Revocation of order. See Discharge.

Trial

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Interventions by clerk—Notes of evidence based upon proof—Impropriety.
Hobby v. Hobby, Divl.Ct. [1954] 1 W.L.R. 1020.

Note of evidence by—Whether privileged.
McKinley v. McKinley, Wrangham J. [1960] 1 W.L.R. 120.

Retirement of justices—Presence of clerk.
Practice Note (Justices' Clerks), Divl.Ct. [1954] 1 W.L.R. 213.

Constitution of court

Different justices sitting on adjournments—Magistrates' Courts Act, 1952, s. 98 (6).
Munday v. Munday, Divl.Ct. [1954] 1 W.L.R. 1078.

Cross-examination

Cross-examination of husband stopped.
Lonnkvist v. Lonnkvist, Divl.Ct. [1952] W.N. 88.

Foreigner

Husband's imperfect understanding of English language—Inability fully to appreciate proceedings—Summary Procedure (Domestic Proceedings) Act, 1937, s. 6.
Kashich v. Kashich, Divl.Ct. [1951] W.N. 557.

Irregularities

Cumulative effect—Husband's letter to court giving his defence—Failure to inform wife—Failure to assist litigant in person to put case in cross-examination—Refusal of adjournment—Refusal to allow closing address to court on law—Magistrates' Courts Act, 1952, s. 61. **Marjoram v. Marjoram,** Divl.Ct. [1955] 1 W.L.R. 520.

Majority decision

Whether duty on dissenting member to give reasons for dissent—Matrimonial Causes Rules, 1950, r. 71 (3). **Kemp v. Kemp,** Divl.Ct. [1953] 1 W.L.R. 1225.

Party in person

Duty of court—Questions to be put to other party—Magistrates' Courts Act, 1952, s. 61.
Fox v. Fox, Divl.Ct. [1954] 1 W.L.R. 1472.

Premature dismissal of case

Dismissal of case at close of complainant's evidence—Desirability of hearing both sides.
Ramsden v. Ramsden, Divl.Ct. [1954] 1 W.L.R. 1105.

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Husband's alleged admission of desertion to probation officer—Impropriety of evidence of such admission in husband's absence.
Smith v. Smith, Divl.Ct. [1957] 1 W.L.R. 802.

Refusal to adjudicate

Application to vary maintenance order—Matter more conveniently dealt with by High Court—Validity of justices' order—"Application"—Meaning—Guardianship of Infants Act, 1925, s. 7 (3).
In re **L— (Infants),** Roxburgh J. [1951] Ch. 756; [1951] 1 T.L.R. 827; [1951] 1 All E.R. 912.

Refusal on ground that all matters more conveniently dealt with in High Court—Power of justices to divide matters and refer in part to High Court—Summary Jurisdiction (Married Women) Act, 1895, ss. 10 and 11.
Davies v. Davies, Divl.Ct. [1957] P. 357; [1957] 3 W.L.R. 34.

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Whether court rehearing case should read judgments of Divisional Court—Principles to be followed. **Claxton v. Claxton,** Divl.Ct. [1959] P. 33; [1959] 2 W.L.R. 236.

Submission of no case

Election—Discharge of maintenance order sought on ground of adultery—Uncorroborated evidence of alleged accomplice—Application dismissed without wife's election.
Baverstock v. Baverstock, Divl.Ct. [1951] W.N. 104.

——— Right of Divisional Court to order rehearing—Whether husband bound on rehearing by original election to call no evidence.
Storey v. Storey, C.A. [1960] 3 W.L.R. 653.

Submission upheld—Appeal—Rehearing ordered—Right of husband to call evidence at rehearing. **Horton v. Horton,** Divl.Ct. [1960] 1 W.L.R. 987.

Variation of maintenance order

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Jurisdiction to hear application in court other than that making the original order—Magistrates' Courts Act, 1952, s. 122 (1) (*g*) (2)—Magistrates' Courts Rules, 1952, r. 34—Magistrates' Courts (Forms) Rules, 1952, Forms. 89, 90.
Meaney v. Meaney, Divl.Ct. [1957] 1 W.L.R. 796.

Transmission of information—Magistrates' Courts Act, 1952—Magistrates' Courts Rules, 1952, r. 34. **John v. John,** Divl.Ct. [1959] 1 W.L.R. 60.

Wilful neglect to maintain. See **Maintenance.**

Legitimacy. *See* LEGITIMACY.

HUSBAND AND WIFE—*continued.*

Maintenance. (*See also* **Alimony; Justices.**)

Agreement. (*See also Wilful neglect to maintain.*)

Consideration

Promise by husband after decree nisi to pay wife £100 a year—Wife's forbearance to apply to Divorce Court for maintenance—No request, express or implied, by husband for forbearance—No payments made—Action by wife on husband's promise—Whether maintainable. **Coombe v. Coombe,** C.A. [1951] 2 K.B. 215; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767.

Wife in desertion—Covenant by husband to pay weekly sum—Covenant by wife to maintain herself to indemnify husband against debts and not to pledge his credit—Subsequent decree of divorce on ground of wife's desertion—Action by wife for arrears accrued before decree nisi—Whether any consideration for husband's promise. **Williams v. Williams,** C.A. [1957] 1 W.L.R. 148.

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Pending divorce proceedings—Sums payable as long as wife remains chaste—Application under Married Women's Property Acts—Jurisdiction of county court. **Hickson v. Hickson,** C.A. [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308.

Medical expenses

Husband's agreement to pay child's medical expenses if "reasonable and approved "by the husband"—National Health Service not used—Reasonableness. **Addison v. Brown,** Streatfeild J. [1954] 1 W.L.R. 779.

National assistance. *See National assistance.*

Trading with the enemy

Separation agreement—Husband agreed to pay wife monthly sum for maintenance—Wife voluntarily resident in enemy territory during the war—Instalments not paid—Whether contract abrogated at common law—Trading with the Enemy Act, 1939, ss. 1, 7. **Bevan v. Bevan,** Sellers J. [1955] P. 227; [1955] 2 W.L.R. 948.

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Alteration—Separation deed—Covenant by husband to pay wife monthly sum—Supplemental agreement not under seal obliging husband to pay sum tax free—Supplemental agreement declared to express parties' original intention—Whether supplemental agreement unenforceable for want of consideration—Whether wife's refraining from suit for rectification sufficient consideration. **Horton v. Horton (No. 2),** C.A. [1960] 3 W.L.R. 914.

Covenant by wife that so long as husband punctually made agreed weekly payments she would not commence or prosecute any matrimonial proceedings against the husband—Other considerations for agreement—Husband in arrears—Action by wife for maintenance—Covenant not illegal but unenforceable—Agreement not invalidated. **Goodinson v. Goodinson,** C.A. [1954] 2 Q.B. 118; [1954] 2 W.L.R. 1121.

Foreign divorce—Agreement purporting to oust jurisdiction of foreign court—Enforceability in England—Public policy. **Addison v. Brown,** Streatfeild J. [1954] 1 W.L.R. 779.

Provision for maintenance for wife and child—Wife not to apply for maintenance for herself and child—Decree for dissolution of marriage subsequently obtained by wife—Application by wife for maintenance under deed—Whether deed contrary to public policy—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 190 (1), 193 (1). **Bennett v. Bennett,** Devlin J. [1951] 2 K.B. 572; [1951] 1 T.L.R. 873; [1951] 1 All E.R. 1088.
C.A. [1952] 1 K.B. 249; [1952] 1 T.L.R. 400; [1952] 1 All E.R. 413

Variation. (*See also* Validity.)

Death of party—Permission of court to apply—Application to be included in summons for directions—Maintenance Agreements Act, 1957, s. 2 (1). **Practice Direction,** Probate [1958] 1 W.L.R. 258.

Deed for purpose of reconciliation—No jurisdiction to vary—Maintenance Agreements Act, 1957, s. 1 (1). **Ewart v. Ewart,** Lord Merriman P. [1959] P. 23; [1958] 3 W.L.R. 680.

Alimony. *See* **Alimony.**

Attachment. *See Enforcement.*

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Divorce. (*See also* SETTLEMENT.)

Children

Whether court has power to order maintenance for child beyond the age of 21—Matrimonial Causes Act, 1950, s. 26. **Le Mare v. Le Mare,** Collingwood J. [1960] 2 W.L.R. 952.

Conduct of parties

Relevance of who obtained decree—Whole conduct of parties. **Clear v. Clear,** C.A. [1958] 1 W.L.R. 467.

Wife's affidavit concealing remarriage—"Conduct of the parties"—"Circumstances "of the case"—Matrimonial Causes Act, 1950, ss. 19 (2) (3), 28 (3). **Hayfield v. Hayfield,** Sachs J. [1957] 1 W.L.R. 473.

HUSBAND AND WIFE—*continued.*

Maintenance (*Divorce*)—*continued.*

Conduct of parties—*continued.*

Wife's petition alleging desertion—Undefended—Decree—Inadmissibility of allegations inconsistent with decree—Supreme Court of Judicature (Consolidation) Act, 1925, s. 190. **Duchesne v. Duchesne,** Pearce J. [1951] P. 101; 66 T.L.R. (Pt. 2) 639; [1950] 2 All E.R. 784.

Death of husband

Children—Consent order that respondent "pay or cause to be paid" maintenance for children until 21—Death of respondent before children attain 21—Maintenance not payable from husband's estate—Whether jurisdiction in divorce court to order periodical payments for maintenance from respondent's estate—No cause of action subsisting against respondent's estate—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1)—Matrimonial Causes Act, 1950, s. 26 (1) (3).
Sugden v. Sugden, Karminski J. [1956] 3 W.L.R. 1010.
C.A. [1957] P. 120; [1957] 2 W.L.R. 210.

Order for secured provision for wife and child—Death of husband before real property agreed—Order enforceable against executor—Executor not entitled to vary—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1)—Matrimonial Causes Act, 1950, ss. 19, 26, 28.
Mosey v. Mosey and Barker, Sachs J. [1956] P. 26; [1955] 2 W.L.R. 1118.

Death of wife presumed

Decree in favour of husband—Wife not dead—Application by wife for maintenance—Whether distinction between "dissolution" and "divorce"—Matrimonial Causes, Act, 1950, ss. 16, 19.
Deacock v. Deacock, C.A. [1958] P. 230; [1958] 3 W.L.R. 191.

Guardian ad litem

Prayer for maintenance in answer—Appointment of guardian ad litem extended to ancillary matters—Form of order.
Bone v. Bone (Practice Note), Lord Merriman P. [1953] 1 W.L.R. 1310.

Injunction

Wife's application for injunction to restrain husband from removing assets out of jurisdiction—Jurisdiction of court before right to maintenance established—Law Reform (Miscellaneous Provisions) Act, 1949, s. 5 (1) (2).
Scott v. Scott, C.A. [1951] P. 193; 66 T.L.R. (Pt. 2) 1077; [1950] 2 All E.R. 1154.

Limitation. *See* Time bar.

Modification order

Arrears—Judgment summons—Evidence by debtor of difficulty in complying with obligations to two families—Suspension of maintenance order pending payment of arrears by instalments ordered—No power to suspend order to benefit debtor on judgment summons—Statutory procedure applicable on modification orders—Debtors Act, 1869, s. 5—Matrimonial Causes (Judgment Summons) Rules, 1952, r. 6—Matrimonial Causes Act, 1950, s. 28 (1)—Matrimonial Causes Rules, 1950, rr. 3, 50.
Cockburn v. Cockburn, C.A. [1957] 1 W.L.R. 1020.

Quantum. (*See also* **Alimony; Justices;** *High Court.*)

"Ability"—Second marriage of husband—Maintenance of first wife—Judicial discretion—Ability of husband to overdraw and obtain loans—Interim order for maintenance—"£5 10s. a week free of tax"—Correct form of order—Matrimonial Causes Act, 1950, s. 19. **J. v. J.,** Sachs J. [1955] 2 W.L.R. 973.
C.A. [1955] P. 215; [1955] 3 W.L.R. 72.

Family allowance—Whether family allowances to be taken into account in calculating maintenance—Family Allowances Act, 1945.
Powell v. Powell, C.A. [1951] P. 257.

Income of serving army officer—Allowances in addition to pay—Wife's income.
Powell v. Powell, C.A. [1951] P. 257.

No rule of thumb calculation. **Powell v. Powell,** C.A. [1951] P. 257.

Remarriage

Remarriage of wife—Application after second husband's death—First husband's liability—Matrimonial Causes Act, 1950, s. 19.
Snelling v. Snelling, Wallington J. [1952] P. 259; [1952] 1 T.L.R. 1609; [1952] 2 All E.R. 196.

Secured payments

Charge on all husband's assets—Impropriety—Matrimonial Causes Act, 1950, ss. 19 (2), 28. **Barker v. Barker,** C.A. [1952] P. 184; [1952] 1 T.L.R. 1479; [1952] 1 All E.R. 1128.

Whether order effects equitable charge—Maintenance charged on protected interest—Whether forfeited.
In re **Richardson's Will Trusts,** Danckwerts J. [1958] Ch. 504; [1958] 2 W.L.R. 414.

Time bar

Ancillary relief—Application out of time—Matrimonial Causes Rules, 1950, r. 44 (1).
Practice Direction (Ancillary Relief), Probate [1954] 1 W.L.R. 898;
Probate [1955] 1 W.L.R. 703.

HUSBAND AND WIFE—*continued.*

- **Maintenance** (*Divorce*)—*continued.*
    - Time bar—*continued.*
        - Application several years after decree—No prayer for maintenance in petition—Effect of new rules and legislation between decree and application—Matrimonial Causes Act, 1950, ss. 19 (3), 29—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 1—Matrimonial Causes Rules, 1957, rr. 3 (3), proviso (ii), 44 (1) (as amended by Matrimonial Causes (Amendment) Rules, 1958, r. 12).
          Pachner v. Parker, Marshall J. [1960] 1 W.L.R. 486.
        - Application within time prescribed—Wife's right to order not necessarily preserved—Erroneous practice—Duty of court—Matrimonial Causes Act, 1950, s. 19—Matrimonial Causes Rules, 1950, r. 44 (1).
          Simmonds v. Simmonds, Lord Merriman P. [1956] P. 47; [1955] 3 W.L.R. 129.
        - "On any decree for divorce"—Meaning—Supreme Court of Judicature (Consolidation) Act, 1925, s. 190 (1).
          Shott v. Shott, C.A. [1952] 1 T.L.R. 393; [1952] 1 All E.R. 735.
    - Variation. *See* Modification.
- *Enforcement.* (*See also* **Justices.**)
    - Attachment
        - Order to pay school fees—Failure to comply with order—Right of attachment—Debtors Act, 1869, s. 4. **Farrant v. Farrant,** Sachs J. [1957] P. 188; [1957] 2 W.L.R. 134.
    - Children
        - Order directing payment to children for tax purposes—Arrears—Application by wife for judgment summons in respect of payments—Right to apply as next friend.
          Shelley v. Shelley (No. 1), Pearce J. [1952] P. 107; [1951] 2 T.L.R. 1167.
          Shelley v. Shelley (No. 2), Lord Merriman P. [1952] P. 111; [1951] 2 T.L.R. 1224; [1952] 1 All E.R. 70.
        - Order for payment of maintenance to two children of the marriage—Summons issued by wife as next friend of both—Separate summonses required in respect of each debt.
          Easterbrook v. Easterbrook, Collingwood J. [1957] P. 192; [1957] 2 W.L.R. 635.
    - Committal order. (*See also* **Justices** (*Enforcement*).)
        - Duration—No longer limited to one year—Debtors Act, 1869, s. 5—Matrimonial Causes (Judgment Summons) Rules, 1952—Bankruptcy Rules, 1952, r. 383.
          Sichel v. Sichel, Willmer J. [1954] 1 W.L.R. 612.
        - Indorsement—Suspension on terms—Further default by judgment debtor—Committal order to issue indorsed for amount of original debt only—Matrimonial Causes (Judgment Summons) Rules, 1952, r. 6 (3).
          Riding v. Riding, C.A. [1958] P. 88; [1958] 2 W.L.R. 64.
    - Procedure
        - Disclosure of addresses by Government Departments.
          Practice Direction (Disclosure of Addresses), Probate [1957] 1 W.L.R. 810.
- *High Court*
    - Children
        - Periodical payments—Whether court has power to make order for payment direct to children—Matrimonial Causes Act, 1950, s. 23 (1).
          Logan v. Logan, Collingwood J. [1954] 1 W.L.R. 1050.
    - Consent order
        - Construction—Jurisdiction of court—Validity of order—Supreme Court of Judicature (Consolidation) Act, 1925, s. 190 (1) (2).
          Hinde v. Hinde, C.A. [1953] 1 W.L.R. 175.
    - Form of order
        - Power to date payments from issue of summons—Matrimonial Causes Act, 1950, s. 23—Matrimonial Causes Rules, 1950, r. 56 (10).
          McLellan v. McLellan, Karminski J. [1954] P. 138; [1953] 3 W.L.R. 1139.
        - "£52 per annum free of tax"—Small maintenance payment—Effect of order—Income Tax Act, 1952, ss. 205, 206.
          Jefferson v. Jefferson, C.A. [1956] P. 136; [1955] 3 W.L.R. 1001.
    - Injunction
        - Application for injunction to restrain husband from dealing with property—No arrears under current order—Application for further provision pending.
          Wright v. Wright, Collingwood J. [1954] 1 W.L.R. 534.
    - Jurisdiction
        - Depending only on domicile and residence—Matrimonial Causes Act, 1950, s. 23.
          Woodward v. Woodward, Willmer J. [1952] P. 299; [1952] 2 T.L.R. 34; [1952] 2 All E.R. 226.
        - Parties judicially separated—Wife's application for secured maintenance—Meaning of "jurisdiction" in Matrimonial Causes Act, 1950, s. 23.
          King v. King, Davies J. [1953] 3 W.L.R. 433.
          C.A. [1954] P. 55; [1953] 3 W.L.R. 767.
    - Polygamous marriage. *See* **Marriage.**
    - Periodical payments. (*See also* Children.)
        - Power to secure for joint lives only—Matrimonial Causes Act, 1950, s. 23 (1) (2).
          Pigott v. Pigott, C.A. [1958] P. 1; [1957] 3 W.L.R. 781.
        - Power to secure for wife's life—Matrimonial Causes Act, 1950, s. 23.
          Bradley v. Bradley, Willmer J. [1956] P. 326; [1956] 2 W.L.R. 654.

HUSBAND AND WIFE—*continued.*

Maintenance (*High Court*)—*continued.*

Polygamous marriage. *See* **Marriage.**

Quantum. (*See also* **Alimony; Justices;** *Divorce.*)

Husband's capital made over to mistress to invest in business—Business run by both—Husband ordered to pay whole of private income to wife and children—Matrimonial Causes Act, 1950, s. 23.
Donaldson v. Donaldson, Karminski J. [1958] 1 W.L.R. 827.

Increase in husband's means after desertion—Wife's earning powers not to be taken into account—Matrimonial Causes Act, 1950, s. 23.
Le Roy-Lewis v. Le Roy-Lewis, Barnard J. [1955] P. 1; [1954] 3 W.L.R. 549.

Wife doing no work outside home during marriage—Short period of domestic work afterwards—Whether wife's earning capacity to be taken into account.
Rose v. Rose, C.A. [1951] P. 29; 66 T.L.R. (Pt. 2) 440; [1950] 2 All E.R. 311.

Registered order

Variation by magistrates—Appeal—Adultery by wife—Principles to be followed—Position of judge hearing appeal—Maintenance Orders Act, 1958, s. 4.
Miller v. Miller, Marshall J. [1961] P. 1; [1960] 3 W.L.R. 658.

Income tax. See Revenue (**Income tax** ("*Free of tax*")).

Judicial separation

Wilful neglect to maintain

Jurisdiction—Matrimonial Causes Act, 1950, s. 23.
King v. King, Davies J. [1953] 3 W.L.R. 433.
C.A. [1954] P. 55; [1953] 3 W.L.R. 767.

Justices. See **Justices.**

National assistance

Husband in receipt of national assistance

Living with another woman—Wife not "member of the same household"—Discretion of court to order maintenance—Quantum—National Assistance Act, 1948, s. 7.
Ivory v. Ivory, Divl.Ct. [1954] 1 W.L.R. 604.

Husband's liability for assistance to wife

Desertion by wife—Wife in receipt of national assistance—Whether husband liable to maintain wife—National Assistance Act, 1948, ss. 42 (1), 43.
National Assistance Board v. Wilkinson, Divl.Ct. [1952] 2 Q.B. 648; [1952] 2 T.L.R. 11; [1952] 2 All E.R. 255.

Maintenance inadequate—Wife receiving national assistance—Liability of husband to National Assistance Board—National Assistance Act, 1948, ss. 42, 43.
National Assistance Board v. Prisk, Divl.Ct. [1954] 1 W.L.R. 443.

Separation by consent—Agreement by wife not to claim financial provision from husband—No matrimonial offence by wife—Wife in receipt of assistance from National Assistance Board—Liability of husband to maintain wife—National Assistance Board entitled to bring husband before court—Duty of court to have regard to all the circumstances—Court's discretion to exempt from liability to repay to board sums paid to wife who has committed matrimonial offence—National Assistance Act, 1948, ss. 42 (1), 43 (1) (2).
National Assistance Board v. Parkes, [1955] 1 Q.B. 486; [1955] 2 W.L.R. 622.
C.A. [1955] 2 Q.B. 506; [1955] 3 W.L.R. 347.

Maintenance claim by wife

Order against husband under section 43 of the National Assistance Act, 1948—Whether wilful neglect can be found if order obeyed—Husband not informed of wife's need for further support—No element of misconduct—No wilful neglect to maintain—Summary Jurisdiction (Married Women) Act, 1895, s. 4—National Assistance Act, 1948, s. 43. **Jones v. Jones,** Divl.Ct. [1959] P. 38; [1958] 3 W.L.R. 635.

Whether husband liable for national assistance irrelevant.
Pinnick v. Pinnick, Divl.Ct. [1957] 1 W.L.R. 644.
Lilley v. Lilley, Divl.Ct. [1958] 3 W.L.R. 728 (on appeal C.A. [1959] 3 W.L.R. 306).

Wife in receipt of national assistance

Effect on quantum of maintenance—Alimony pending suit refused.
Sterne v. Sterne, C.A. [1957] P. 168; [1957] 2 W.L.R. 544.

Quantum. See Divorce; High Court; Justices.

Taxation. See Revenue (**Income tax** ("*Free of tax*")).

Wilful neglect to maintain

Adultery, belief in wife's

Husband's petition for divorce founded on adultery dismissed—Whether husband guilty of wilful neglect to provide maintenance before petition dismissed—Matrimonial Causes Act, 1950, s. 23 (1).
West v. West, C.A. [1954] P. 444; [1954] 3 W.L.R. 163.

Previous proceedings for restitution and for divorce—Effect on husband's belief—Law Reform (Miscellaneous Provisions) Act, 1949, s. 5.
Allen v. Allen, C.A. [1951] W.N. 322; [1951] 1 All E.R. 724.

Reasonable belief as a defence.
Chilton v. Chilton, Divl.Ct. [1952] P. 196; [1952] 1 T.L.R. 1316; [1952] 1 All E.R. 1322.

HUSBAND AND WIFE—*continued.*

Maintenance (*Wilful neglect to maintain*)—*continued.*

Burden of proof

Whether husband's delusion of physical disability an excuse.
Stirland v. Stirland, Divl.Ct. [1960] 1 W.L.R. 18.

Offer of reconciliation refused

Desertion—Offer by deserting spouse to resume cohabitation—No expression of repentance. **Price v. Price,** Pilcher J. [1951] 1 All E.R. 877.
C.A. [1951] P. 413; [1951] 2 All E.R. 580.

Husband's petition containing serious allegations dismissed—Subsequent offer of reconciliation refused by wife—Absence of just cause for refusal—Whether reconciliation offer genuine—Reconciliation not desired.
Dyson v. Dyson, Barnard J. [1954] P. 198; [1953] 3 W.L.R. 1141.

Residence together of parties

Parties resident in same house—Neglect to maintain—Matrimonial Causes Act, 1950, s. 23. **Caras v. Caras,** Davies J. [1955] 1 W.L.R. 254.

Separation by consent

Existing deed of maintenance—Refusal to increase payments—Whether wilful neglect to maintain—Law Reform (Miscellaneous Provisions) Act, 1949, s. 5.
Tulip v. Tulip, Barnard J. [1951] P. 223; [1951] 1 T.L.R. 567; [1951] 1 All E.R. 563.
C.A. [1951] P. 378; [1951] 1 T.L.R. 1056; [1951] 2 All E.R. 91.

——————————————— Wife's covenant to take no proceedings.
Dowell v. Dowell, Divl.Ct. [1952] W.N. 296; [1952] 2 All E.R. 141.

No agreement to maintain—Whether wife's rights as result of financial terms of separation distinct from those arising from subsequent change in her circumstances —Or from statutory right of National Assistance Board against husband—Whether husband liable to maintain. **Pinnick v. Pinnick,** Divl.Ct. [1957] 1 W.L.R. 644.

Subsequent summons by wife against husband for wilful neglect to maintain her—Onus on wife of proving husband's agreement for maintenance.
Stringer v. Stringer, Divl.Ct. [1952] P. 171; [1952] 1 T.L.R. 415; [1952] 1 All E.R. 373.

Reluctance of court to vary agreed terms—Matrimonial Causes Act, 1950, s. 23.
Morton v. Morton (No. 2), C.A. [1954] 1 W.L.R. 737.

Onus of proving agreement to maintain.
Stringer v. Stringer, Divl.Ct. [1952] P. 171; [1952] 1 T.L.R. 415; [1952] 1 All E.R. 373.

Separation on medical grounds

Wife living apart from husband on medical grounds—Forced separation—Effect on husband's liability to maintain—Whether neurotic wife justified in refusing to return—Summary Jurisdiction (Married Women) Act, 1895, s. 4.
Lilley v. Lilley, Divl.Ct. [1958] 3 W.L.R. 728.
C.A. [1959] 3 W.L.R. 306.

Standard of reasonable maintenance

Law Reform (Miscellaneous Provisions) Act, 1949, s. 5.
Scott v. Scott, Hodson J. [1951] P. 245; [1951] 1 All E.R. 216.

" Wilful "

Order against husband under section 43 of the National Assistance Act, 1948—Whether wilful neglect can be found if order obeyed—Husband not informed of wife's need for further support—No element of misconduct—No wilful neglect to maintain—Summary Jurisdiction (Married Women) Act, 1895, s. 4—National Assistance Act, 1948, s. 43. **Jones v. Jones,** Divl.Ct. [1959] P. 38; [1958] 3 W.L.R. 635.

Marriage. (*See also* CONFLICT OF LAWS; **Nullity.**)

Agreement to marry

" Tamquam sororem " condition

Whether void—Public policy—Elderly parties.
Morgan v. Morgan (orse. Ransom), Mr. Comr. Latey Q.C. [1959] P. 92; [1959] 2 W.L.R. 487.

Breach of promise

Promise by married man

Ceremony of marriage—Wife unaware of previous marriage—Implied warranty—Public policy—Death of man intestate—Measure of damages—Accrual of causes of action—Fraud—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1—Limitation Act, 1939, ss. 2 (1), 26 (*b*).
Shaw v. Shaw, C.A. [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265.

Capacity to marry. (*See also Foreign marriage.*)

Understanding of nature of contract

Mere comprehension of words used.
In the Estate of Park, decd., Karminski J. [1953] 3 W.L.R. 307.
C.A. [1954] P. 89; [1953] 3 W.L.R. 1012.

Declaration of validity

Power of court to make

R.S.C., Ord. 25, r. 5.
Woyno v. Woyno, Mr. Comr. Edgedale Q.C. [1960] 1 W.L.R. 986.

HUSBAND AND WIFE—*continued.*

Marriage—*continued.*

Death of former spouse presumed. See PRESUMPTION.

Duress

Fear of political danger

Marriage to escape from Hungary—Question of validity.
H. v. H., Karminski J. [1954] P. 258; [1953] 3 W.L.R. 849.

Threats

Petitioner forced to go through marriage ceremony by her father's threats.
Parojcic (orse. Ivetic) v. Parojcic, Davies J. [1958] 1 W.L.R. 1280.

Intention to marry

Marriage to evade immigration regulations

Intention to become man and wife—Valid marriage.
Silver (orse. Kraft) v. Silver, Collingwood J. [1955] 1 W.L.R. 728.

Foreign marriage, effect. See Polygamous marriage system.

Foreign marriage, validity. (See also Foreign decree, validity.)

Capacity

Nonage—Marriage to foreigner abroad—Husband domiciled in England—Wife under sixteen—Whether marriage valid—Age of Marriage Act, 1929, ss. 1, 3.
Pugh v. Pugh, Pearce J. [1951] P. 482; [1951] 2 All E.R. 680; [1951] 2 T.L.R. 806.

Whether free to marry—Marriage in India within six months of decree absolute—Invalid by Indian Act—Whether valid by English law—Indian Divorce Act, 1869 (No. IV), s. 57—Indian and Colonial Divorce Jurisdiction Act, 1926, s. 1 (1) (*a*) (*b*) (*d*). **Buckle v. Buckle (orse. Williams),** Karminski J. [1956] P. 181; [1955] 3 W.L.R. 989.

Common law marriage

Celebrated before episcopally ordained clergyman—Roman Catholic wedding of Poles in Italy by Polish army chaplain.
Taczanowska v. Taczanowski, Karminski J. [1956] 3 W.L.R. 935.
C.A. [1957] P. 301; [1957] 3 W.L.R. 141.

———————— Roman Catholic wedding of Poles in Germany by Polish priest.
Kochanski v. Kochanska, Sachs J. [1958] P. 147; [1957] 3 W.L.R. 619.

Mixed marriage—Non-Christians—Modified Chinese form of ceremony—Validity—Common law monogamous marriage.
Penhas v. Tan Soo Eng, J.C. [1953] A.C. 304; [1953] 2 W.L.R. 459.

Foreign Marriage Acts, applicability

Foreigner in British armed forces—Whether Polish forces in Italy "part of forces of "His Majesty"—"Discipline and internal administration"—Foreign Marriage Act, 1892, ss. 1, 22, as substituted by the Foreign Marriage Act, 1947, s. 2—Allied Forces Act, 1940, s. 1 (1)—Polish Resettlement Act, 1947, s. 9 (2) (8).
Holdowanski v. Holdowanska (orse. Bialoszewska) and Price,
Taczanowska (orse. Roth) v. Taczanowski, Karminski J. [1956] 3 W.L.R. 935.
Taczanowska (orse. Roth) v. Taczanowski, C.A. [1957] P. 301; [1957] 3 W.L.R. 141.

Lex loci celebrationis, applicability

Occupying armed forces—Marriage of Polish soldier in Italy—Inapplicability of lex loci. **Taczanowska v. Taczanowski,** Karminski J. [1956] 3 W.L.R 935.
C.A. [1957] P. 301; [1957] 3 W.L.R. 141.

Poles in displaced persons camp in Germany—Presumption of subjection to lexi loci celebrationis rebutted.
Kochanski v. Kochanska, Sachs J. [1958] P. 147; [1957] 3 W.L.R. 619.

Proxy marriage—Husband domiciled in England—Home to be in England—Recognition of marriage ceremony in Italy.
Ponticelli v. Ponticelli, Sachs J. [1958] P. 204; [1958] 2 W.L.R. 439.

Retroactive foreign law—Religious ceremony invalid by Austrian law—Retroactive Austrian law validating marriage on registration—English domicile acquired meanwhile—Registration of Austrian marriage ceremony—Subsequent English marriage ceremony between one of parties and another person—Child previously born to them—Whether legitimated.
Starkowski v. Att.-Gen., Barnard J. [1952] P. 135; [1952] 1 T.L.R. 851; [1952] 1 All E.R. 495.
C.A. [1952] P. 302; [1952] 2 T.L.R. 606; [1952] 2 All E.R. 616.
H.L.(E.) [1954] A.C. 155; [1953] 3 W.L.R. 942.

Local requirements not complied with

Englishman married in Russia—Registrar failed to comply with certain requirement of Russian law—Refusal of Russian authorities to allow wife to join husband in England. **Kenward v. Kenward,** C.A. [1951] P. 124; [1950] 2 All E.R. 297.

Religious ceremony in Germany—No civil ceremony—Failure properly to register the marriage. **Pilinski v. Pilinska,** Mr. Commr. Latey Q.C. [1955] 1 W.L.R. 329.

Statutory requirements—Barbados—Failure to comply literally with statutory requirements—Substantial compliance—Presumption of validity—Rebuttable only by decisive evidence—(Barbados) Marriage Act, 1904–09, s. 2.
Hill v. Hill, J.C. [1959] 1 W.L.R. 127.

HUSBAND AND WIFE—*continued.*

Marriage (*Foreign marriage, validity*)—*continued.*

Polygamous marriage system. (*See also Polygamous system.*)

Moslem ceremony in Egypt—Provision in contract for polygamy—Wife domiciled in England before ceremony—Validity of marriage—Whether recognised by English law—Law Reform (Miscellaneous Provisions) Act, 1949 (12, 13 & 14 Geo. 6, c. 100), s. 1. **Risk (orse Yerburgh) v. Risk,** Barnard J. [1951] P. 50; 66 T.L.R. (Pt. 2) 918; [1950] 2 All E.R. 973.

Proof of foreign marriage

Evidence (France) Order in Council, 1937, No. 515.
Motture v. Motture, Karminski J. [1955] 1 W.L.R. 1066.

Proof of certificate in Divorce Division—Avoiding expert evidence—Evidence (Foreign, Dominion and Colonial Documents) Act, 1933.
Practice Direction (Foreign Marriages), Probate [1955] 1 W.L.R. 668.

Proof of foreign marriage in Divorce Division.
Practice Direction, Probate Div. [1958] 1 W.L.R. 177.

Renvoi

Marriage in Iraq governed by Iraqi law by English law—Church of England ceremony—No publication of banns—Marriage Act, 1949, s. 25.
Hooper (orse. Harrison) v. Hooper, Stevenson J. [1959] 1 W.L.R. 1021.

Polygamous system. (*See also Foreign marriage.*)

Maintenance

Inapplicability of English matrimonial law—Justices—Maintenance application.
Sowa v. Sowa, Divl.Ct. [1960] 3 W.L.R. 733.

Mohammedan law

Non-age. **Cader v. Razik,** J.C. [1953] A.C. 285; [1953] 2 W.L.R. 1.

Subsequent English marriage

Polygamous marriage in Nigeria—Subsequent ceremony at register office in England—Jurisdiction of English court to dissolve—Matrimonial Causes Act, 1950, s. 18 (1) (*a*). **Ohochuku v. Ohochuku,** Wrangham J. [1960] 1 W.L.R. 183.

Succession

Succession to personal property—Child of polygamous marriage—Statutes of Distribution. **Bamgbose v. Daniel,** J.C. [1955] A.C. 107; [1954] 3 W.L.R. 561.

Presumed from cohabitation. See PRESUMPTION.

Register

Amendment

Court's jurisdiction—Whether mandamus lies to correct or erase entry—Authority to register marriage—Void marriage—Meaning of "marriage"—Marriage Act, 1836, s. 23—Marriage Act, 1949, s. 61.
Dinizulu v. Att.-Gen., Paull J. [1958] 1 W.L.R. 1252.

Matrimonial home. (*See also* **Act of 1882, s. 17.**)

Chattels in home

Presumption of ownership

Death of husband and wife—Matrimonial home property of wife—Discovery in matrimonial home of hidden banknotes—No evidence of ownership—Whether husband's or wife's estate entitled.
In re **Cohen, decd.,** Vaisey J. [1953] Ch. 88; [1953] 1 W.L.R. 303.

Desertion by husband

Bankruptcy of husband

Claim for possession by trustee in bankruptcy—Whether trustee took property subject to wife's right—Procedure—Married Women's Property Act, 1882, s. 17—Bankruptcy Act, 1914, ss. 18 (1), 22, 38, 105 (1).
Bendall v. McWhirter, C.A. [1952] 2 Q.B. 466; [1952] 1 T.L.R. 1332; [1952] 1 All E.R. 1307.

Injunction against sale. *See also Divorce.*

Jurisdiction of county court—Husband restrained from selling house until provision of alternative accommodation—Married Women's Property Act, 1882, s. 17.
Lee v. Lee, C.A. [1952] 2 Q.B. 489n.; [1952] 1 T.L.R. 968; [1952] 1 All E.R. 1299.

Mortgage prior to desertion

Power of attorney to mortgagee to execute legal mortgage—Desertion by husband—Wife remaining in matrimonial home—Execution of legal mortgage pursuant to power of attorney—Effect—Whether mortgagee's right to possession subject to right of wife to remain in matrimonial home—Order under Married Women's Property Act, 1882, s. 17—Husband not to interfere with wife's possession—Validity of exercise of powers of attorney.
Barclays Bank Ltd. v. Bird, Harman J. [1954] Ch. 274; [1954] 2 W.L.R. 319.

Whether mortgagee's right to possession subject to right of wife to remain in possession. **Lloyds Bank Ltd. v. Trustee of the Property of O——, a Bankrupt,** Upjohn J. [1953] 1 W.L.R. 1460.

Mortgage subsequently

Equitable mortgage by husband—Occupation by deserted wife—Wife's interest an equity not an equitable interest or estate—Subject to claim by mortgagee without notice—Constructive notice not imputed to mortgagee.
Westminster Bank Ltd. v. Lee, Upjohn J. [1956] Ch. 7; [1955] 3 W.L.R. 376.

HUSBAND AND WIFE—*continued.*

Matrimonial home (*Desertion by husband*)—*continued.*

Mortgage subsequently—*continued.*

Occupation of home by wife—Sale of home by husband to mistress—Mortgage by mistress to trustees with knowledge of circumstances—Mortgage interest unpaid—Claim for possession—Rights of innocent beneficiaries of mortgagees—Exercise of court's discretion to grant possession—Circumstances under which exercisable—Applicable terms of exercise.
Churcher v. Street, Roxburgh J. [1959] Ch. 251; [1959] 2 W.L.R. 66.

Rent Act tenancy

Wife remaining in occupation and paying rent—Alleged matrimonial offence by wife—No action by husband to revoke wife's licence to remain in occupation—Landlord's claim to possession.
Wabe v. Taylor, C.A. [1952] 2 Q.B. 735; [1952] 2 T.L.R. 264; [1952] 2 All E.R. 420.

Rent tribunal

Application to tribunal by deserted wife of tenant—Whether wife agent of husband.
Regina v. Twickenham Rent Tribunal. *Ex parte* **Dunn,** Divl.Ct. [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517.

Sale of home

Arrangement between husband and wife whereby wife remained in house—Purchaser's knowledge of arrangement between husband and wife—Wife a licensee with contractual right to remain in house.
Ferris v. Weaven, Jones J. [1952] W.N. 318; [1952] 2 All E.R. 233.

Right of wife to remain enforceable against husband's successor in title with notice—Right not lost by incomplete agreement to accept alternative accommodation—Right not superseded by express licence.
Street v. Denham, Lynskey J. [1954] 1 W.L.R. 624.

Wife remaining in occupation—Claim to possession by purchasers for value with notice of wife's occupation—Exercise of court's discretion—Circumstances in which it may be exercised.
Jess B. Woodcock & Sons Ltd. v. Hobbs, C.A. [1955] 1 W.L.R. 152.

Undertaking to justices to allow wife to remain in possession—Wife in occupation—Sale of house with vacant possession—Purchaser's claim to possession.
Thompson v. Earthy, Roxburgh J. [1951] 2 K.B. 596; [1951] 2 T.L.R. 82; [1951] 2 All E.R. 235.

Divorce

Husband and wife joint tenants

Wife's right to enforce trust for sale—Law of Property Act, 1925, s. 30.
Jones v. Challenger, C.A. [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695.

Termination of licence

Wife told she could live in house for life—Subsequent divorce of husband—Right to possession of house. **Vaughan v. Vaughan,** C.A. [1953] 1 W.L.R. 236.

Divorce pending

Injunction

Husband restrained from entering matrimonial home—Husband owner.
Silverstone v. Silverstone, Pearce J. [1953] P. 174; [1953] 2 W.L.R. 513.

Matrimonial home owned by wife—Wife's application for injunction restraining husband from remaining in house—Married Women's Property Act, 1882 (45 & 46 Vict. c. 75), s. 12.
Gorulnick v. Gorulnick, C.A. [1958] P. 47; [1958] 2 W.L.R. 58.

Quasi-husband and wife

Quasi-matrimonial home

Parties unmarried—Division of proceeds of sale—Whether equitable principles relating to married couples applicable. **Diwell v. Farnes,** C.A. [1959] 1 W.L.R. 624.

Nullity. (*See also* **Marriage.**)

Approbation and sincerity

Incapacity of husband

Approbation of marriage for four years—Pre-marital understanding "tamquam "sororem."
Scott v. Scott (orse. Fone), Sachs J. [1959] P. 103; [1959] 2 W.L.R. 497n.

Insemination from donor other than husband, without result—Subsequent adoption of child. **Slater v. Slater,** C.A. [1953] P. 235; [1953] 2 W.L.R. 170.

Pre-marital acts—Overt acts and concealed thoughts—Agreement "tamquam "sororem"—Discretion of court.
Morgan v. Morgan, Mr. Commr. Latey Q.C. [1959] P. 92; [1959] 2 W.L.R. 487.

Proceedings by wife before justices knowing facts and law as to nullity—Desertion by husband and persistent cruelty alleged.
Tindall v. Tindall, C.A. [1953] P. 63; [1953] 2 W.L.R. 158.

Incapacity of wife

Adoption of child—public policy.
W. v. W., C.A. [1952] P. 152; [1952] 1 T.L.R. 879; [1952] 1 All E.R. 858.

Wife unwilling to have simple operation

Parties long resident together—Approbation not a discretionary bar if found—Delay.
G. v. G. (orse. H.), Phillimore J. [1960] 3 W.L.R. 648.

HUSBAND AND WIFE—*continued.*

Nullity—*continued.*

Conflict of jurisdiction. See also Foreign decree, validity.
Wilful refusal
Marriage abroad—Law applicable—Lex domicilii or lex fori.
Ponticelli v. Ponticelli, Sachs J. [1958] P. 204; [1958] 2 W.L.R. 439.

Consummation
Meaning
Full penetration without emission.
R. v. R. (orse. F.), Mr. Commr. Bush James Q.C. [1952] W.N. 236; [1952] 1 T.L.R. 1201; [1952] 1 All E.R. 1194.

Decree
Declaration of nullity
Form—Void marriage ceremony. **Hooper (orse. Harrison) v. Hooper,** Stevenson J. [1959] 1 W.L.R. 1021.
Effect
Remarriage before decree made absolute—Whether second marriage bigamous.
Wiggins v. Wiggins (orse. Brooks) and Ingram, Mr. Commr. Carr [1958] 1 W.L.R. 1013.
Whether wife competent to give evidence against former husband.
Regina v. Algar, C.C.A. [1954] 1 Q.B. 279; [1953] 3 W.L.R. 1007.

Duress. See **Marriage.**

Epilepsy
Cross-petition on ground of wilful refusal
Finding of recurrent fits of epilepsy at time of ceremony—Whether competent to investigate question of wilful refusal to consummate—Matrimonial Causes Act, 1950, s. 8 (1) (*b*).
Iddenden (orse. Brains) v. Iddenden, Collingwood J. [1958] 1 W.L.R. 1041.

Foreign decree, validity
Residence as test of jurisdiction
Void marriage. **Corbett v. Corbett,** Barnard J. [1957] 1 W.L.R. 486.

Incapacity
Curability
Impracticability of consummation—Relevant date.
S. v. S. (orse. C.), Karminski J. [1956] P. 1; [1955] 2 W.L.R. 246.
M. v. M. (orse. B.), Karminski J. [1957] P. 5; [1956] 3 W.L.R. 975.
Deformity
Artificial sexual organ.
B. v. B., Mr. Commr. Grazebrook Q.C. [1955] P. 42; [1954] 3 W.L.R. 237.
Proof of
Parties only together for short period—Husband's impotence established.
B. (orse. S.) v. B., Barnard J. [1958] 1 W.L.R. 619.

Insane petitioner
Presentation of petition by next friend
Alleged insanity of petitioner—Application to dismiss petition supported by petitioner.
J. (orse. B.) (by her next friend) v. J., Collingwood J. [1953] P. 186; [1953] 1 W.L.R. 36.

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Lex loci as test
Marriage celebrated in jurisdiction—Voidable marriage—Validity of marriage ceremony not in dispute.
Ross Smith (orse. Radford) v. Ross Smith, Karminski J. [1961] P. 39; [1960] 3 W.L.R. 753.
Residence as test
Voidable marriage—Parties resident in England at date of petition—No English domicile—Matrimonial Causes Act, 1857, s. 22—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 21, 32.
Ramsay-Fairfax (orse. Scott-Gibson) v. Ramsay-Fairfax, Willmer J. [1955] 3 W.L.R. 188.
C.A. [1956] P. 115; [1955] 3 W.L.R. 849.
————— Wife only resident in England—Husband domiciled in Scotland—Matrimonial Causes Act, 1857, s. 22—Supreme Court of Judicature (Consolidation) Act, 1925, s. 32.
Hill (orse. Petchey) v. Hill, Collingwood J. [1960] P. 130; [1959] 3 W.L.R. 828.

Pleading
Answer
Denial of impotence and wilful refusal—Cross charge of desertion—Form of pleading.
Pickett v. Pickett (orse. Moss), Barnard J. [1951] P. 267; [1951] 1 T.L.R. 585; [1951] 1 All E.R. 614.

Wilful refusal to consummate
Just excuse
Husband aware that subsequent religious ceremony an essential pre-condition to matrimonial cohabitation—Refusal to arrange ceremony.
Jodla v. Jodla, Hewson J. [1960] 1 W.L.R. 236.

HUSBAND AND WIFE—*continued.*

Nullity (*Wilful refusal to consummate*)—*continued.*

Nature of such refusal

Causation. **S. v. S. (orse. C.),** Karminski J. [1956] P. 1; [1955] 2 W.L.R. 246.

Paternity issue. *See* LEGITIMACY.

Practice. *See* **Divorce; Judicial separation; Justices; Maintenance; Nullity; Restitution; Settlement;** PROBATE.

Property. *See* **Act of 1882, s. 17; Matrimonial home; Settlement.**

Public interest in status. *See* **Divorce; Justices.**

Rape. *See* CRIME.

Restitution of conjugal rights

Desertion

Just cause

Domineering conduct falling short of legal cruelty—Whether decree should be granted. **Timmins v. Timmins,** C.A. [1953] 1 W.L.R. 757.

Offer to return

Bona fide offer by deserted but guilty wife to resume cohabitation—Husband paying maintenance—Decree for restitution of conjugal rights—Mutual affection not necessary. **Wells v. Wells,** C.A. [1954] 1 W.L.R. 1390.

Divorce

Cross-prayer for

Prayer for dissolution in answer alleging cruelty—Whether separate petition necessary—Supreme Court of Judicature (Consolidation) Act, 1925, s. 32—Matrimonial Causes Act, 1950, s. 6. **Barber v. Barber,** C.A. [1954] P. 438; [1954] 2 W.L.R. 1117.

Settlement. (*See also* SETTLEMENT.)

Divorce Court, ordered by

Power to antedate effect of settlement

Settlement for benefit of husband—Drafting of settlement by conveyancing counsel—Inapplicability of R.S.C., Ord. 51, r. 7—Matrimonial Causes Rules, 1950, r. 80—Matrimonial Causes Act, 1950, s. 24 (1).
Style v. Style and Keiller, Barnard J. [1953] 3 W.L.R. 613.
C.A. [1954] P. 209; [1954] 2 W.L.R. 306.

Variation

Discretionary trust

Determinable life interest for husband—Discretionary trust in favour of issue of marriage after determination of husband's life interest—Order of Divorce Division extinguishing all interests of husband under marriage settlement as if he "had died "in the lifetime of the petitioner"—Whether discretionary trust extinguished by order. *In re* **Allsopp's Marriage Settlement Trusts,** Vaisey J. [1959] Ch. 81; [1958] 3 W.L.R. 78.

Drafting of settlement by conveyancing counsel

R.S.C., Ord. 51, r. 7—Matrimonial Causes Rules, 1950, r. 80—Matrimonial Causes Act, 1950, s. 24 (1). **Style v. Style and Keiller,** Barnard J. [1953] 3 W.L.R. 613.
C.A. [1954] P. 209; [1954] 2 W.L.R. 306.

Effect

Order of Divorce Division extinguishing rights, powers and interests of wife "as if "she were now dead"—Post-nuptial settlement—Power of appointment exercisable by survivor of husband and wife—Whether husband survivor—Whether sole appointment by husband valid.
In re **Poole's Settlements Trusts,** Roxburgh J. [1959] 1 W.L.R. 651.

Interests of children

Marriage settlement—Divorce—Husband's application to revoke trusts relating to part of settlement—To appoint that part to any after-taken wife or issue of later marriage—Whether proposed variation detrimental to child of first marriage—Supreme Court of Judicature (Consolidation) Act, 1925, s. 192.
Garforth-Bles v. Garforth-Bles, Pearce J. [1951] P. 218; [1951] 1 T.L.R. 449; [1951] 1 All E.R. 308.

Position of adopted child—Matrimonial Causes Act, 1950, s. 25—Adoption Act, 1950, ss. 10 (2), 13 (2) (*a*).
Best v. Best, Karminski J. [1956] P. 76; [1955] 3 W.L.R. 334.

Post-nuptial settlement—Divorce on wife's adultery—Husband to accelerate his powers under settlement—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 191 (1), 192. **Maxwell v. Maxwell and Rognor,** Wallington J. [1951] P. 212.

Post-nuptial settlements upon the children with the wife as trustee and with powers of appointment—Propriety of guilty wife to remain trustee and retain powers—Absence of evidence she would abuse her position—Applications to remove trustees—Chancery Division appropriate—Settlement of wife's property—Marriage broken by wife's adultery—Property given to her by husband—Restoration of pecuniary status—Matrimonial Causes Act, 1950, ss. 24 (1), 25.
Compton v. Compton and Hussey, Marshall J. [1960] P. 201; [1960] 3 W.L.R. 476.

HUSBAND AND WIFE—*continued.*

Settlement (*Variation*)—*continued.*

Meaning of "settlement"

Insurance policy—Policy effected for the benefit of "widow or children of the assured"—Wife divorced husband—No children—Remarriage of husband—Wife's application to vary policy—Whether policy a post-nuptial settlement and variable—Married Women's Property Act, 1882, s. 11—Matrimonial Causes Act, 1950, s. 25.
Lort-Williams v. Lort-Williams, Wallington J. [1951] W.N. 314.
C.A. [1951] P. 395; [1951] 2 T.L.R. 200; [1951] 2 All E.R. 241.

Payment to mistress of £45,000—Matrimonial Causes Act, 1950, ss. 24, 25.
Hindley v. Hindley, Davies J. [1957] 1 W.L.R. 898.

Property owned by wife—Half-share conveyed to husband—Wife's application to vary—Whether post-nuptial settlement—Supreme Court of Judicature (Consolidation) Act, 1925, s. 192.
Halpern v. Halpern, Collingwood J. [1951] P. 204; [1951] 1 T.L.R. 461; [1951] 1 All E.R. 315.

Purchase by wife of matrimonial home from joint ownership—Bond to pay husband by instalments—Whether bond a post-nuptial settlement—Matrimonial Causes Act, 1950, s. 25. **Parrington v. Parrington,** Pearce J. [1951] W.N. 534; [1951] 2 T.L.R. 918; [1951] 2 All E.R. 926.

Purchase of house by husband and wife as joint tenants on trust for sale—Whether a "settlement"—Law of Property Act, 1925, ss. 23–38—Matrimonial Causes Act, 1950, s. 25. **Brown v. Brown,** C.A. [1959] P. 86; [1959] 2 W.L.R. 776.

Securities transferred to husband before marriage as "absolute gift"—Deed also providing for loan to husband if he became member of Lloyd's by fixed date—Provision as to loan never becoming effective—Marriage dissolved on wife's petition—Whether transferred securities or sum representing their value capable of being "property settled" over which court has jurisdiction—No element of periodical payment remaining at date of decree absolute—Matrimonial Causes Act, 1950, s. 25.
Prescott (formerly Fellowes) v. Fellowes, Stevenson J. [1958] 2 W.L.R. 697.
C.A. [1958] P. 260; [1958] 3 W.L.R. 288.

Moneys expended

Whether refund can be ordered—Matrimonial Causes Act, 1950, s. 25.
Sievwright v. Sievwright, Wallington J. [1956] 1 W.L.R. 1452.

Separation agreement

Post-nuptial settlement—Change of circumstances—Application by guilty husband to vary—Matrimonial Causes Act, 1950, s. 25.
Jeffrey v. Jeffrey (No. 2), Collingwood J. [1951] W.N. 505; [1951] 2 T.L.R. 883; [1951] 2 All E.R. 805.
C.A. [1952] P. 122; [1952] 1 T.L.R. 825; [1952] 1 All E.R. 790.

Tax avoidance

Variation to reduce income tax payable—Power of Divorce Court—Matrimonial Causes Act, 1950, s. 25.
Thomson v. Thomson and Whitmee, Davies J. [1954] P. 384; [1954] 3 W.L.R. 241.

Sodomy. *See also* **Cruelty** (*Evidence*).

Bars to petition

Wife consenting to acts of sodomy

Subsequent intercourse—Whether consent or condonation bar to petition for sodomy.
Bampton v. Bampton, C.A. [1959] 1 W.L.R. 842.

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Corroboration

Submission, but not consent, by wife—Whether her evidence requires corroboration.
Lawson v. Lawson, C.A. [1955] 1 W.L.R. 200.

Tort. (*See also* DAMAGES.)

Ante-nuptial

Injury to future spouse

Tort by wife causing injury to future husband—Car driven by wife—Future husband passenger—Collision—Subsequent marriage of parties—Whether action for tort by husband against wife maintainable—Married Women's Property Act, 1882, s. 12—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 1.
Baylis v. Blackwell, McNair J. [1952] 1 K.B. 154; [1951] 2 T.L.R. 1245; [1952] 1 All E.R. 74.

Consortium, loss of. See DAMAGES.

Contribution

Wife injured by husband and third party

Wife injured while passenger in vehicle driven by husband—Collision with car driven by defendant—Husband and defendant both negligent—Whether husband liable to contribute to damages awarded to wife—"Damage"—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1)—Law Reform (Contributory Negligence) Act, 1945, s. 1 (1).
Drinkwater v. Kimber, Devlin J. [1951] W.N. 496; [1951] 2 T.L.R. 630; [1951] 2 All E.R. 713.
C.A. [1952] 2 Q.B. 281; [1952] 1 T.L.R. 1486; [1952] 1 All E.R. 701.

HUSBAND AND WIFE—*continued.*
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Broom v. Morgan, Lord Goddard C.J. [1952] W.N. 531; [1952] 2 T.L.R. 904; [1952] 2 All E.R. 1007.
C.A. [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737.

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Contractual tenancy assumed to have ended—Pleading disclosing no cause of action—Appeal—Re-trial. **Whall v. Bulman,** C.A. [1953] 2 Q.B. 198; [1953] 3 W.L.R. 116.

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ILLEGITIMACY. *See* Bastardy; Infant; Legitimacy.

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Sheik Brothers Ltd. v. Ochsner [1957] A.C. 136; [1957] 2 W.L.R. 254.

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Subsequent adoption of child—Whether custody order superseded by adoption order—Adoption Act, 1950, s. 10.
Crossley v. Crossley, Davies J. [1953] P. 97; [1953] 2 W.L.R. 765.
Arrangements after decree nisi
Judge not satisfied at hearing as to arrangements.
Practice Direction, Divl.Ct. [1959] 1 W.L.R. 1188.
Committal of care to local authority
Possibility of handing the child over to the mother later—Matrimonial Proceedings (Children) Act, 1958, s. 5—Children Act, 1948, Part II.
F. v. F., Karminski J. [1959] 1 W.L.R. 863.
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Service of summons—Breach of undertaking to return child to jurisdiction—Party out of jurisdiction—Summons not served—Committal order made.
O'Donovan v. O'Donovan, Wallington J. [1955] 1 W.L.R. 1086.
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Leave to appeal to—Matrimonial cause—No appeal except by leave of Court of Appeal—Supreme Court of Judicature (Consolidation) Act, 1925, s. 27 (2).
B. v. B. (No. 2) (Practice Note), H.L. [1955] 1 W.L.R. 557.
——— Religious upbringing—Whether question of law raised—Question of discretion—Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. 5, c. 49), s. 27 (2). **B. v. B. (No. 3),** C.A. [1955] 1 W.L.R. 559.

INFANT—*continued.*

Custody (Divorce Court)—*continued.*

Illegitimate child

Child born during marriage—Husband not the father—No power to grant custody—Matrimonial Causes Act, 1950, s. 26 (1).
Webb v. Webb, Karminski J. [1952] W.N. 102; [1952] 1 T.L.R. 453; [1952] 1 All E.R. 527.

Child born in adultery—Subsequent marriage and divorce of parents—Mother's application for legal custody and maintenance—Matrimonial Causes Act, 1950, s. 26 (1).
Harrison v. Harrison, Barnard J. [1951] P. 476; [1951] 2 T.L.R. 242; [1951] 2 All E.R. 346.

———— No jurisdiction to order custody or maintenance—Matrimonial Causes Act, 1950, s. 26 (1).
Packer v. Packer, C.A. [1954] P. 15; [1953] 3 W.L.R. 33.

———— Jurisdiction to order custody—"Children the mariage of whose parents is the subject of the proceedings"—Matrimonial Causes Act, 1950, s. 26 (1).
Galloway v. Galloway, C.A. [1954] P. 312; [1954] 2 W.L.R. 980.
H.L.(E.) [1956] A.C. 299; [1955] 3 W.L.R. 723.

Child born of bigamous marriage—Proceedings for decree of nullity—Power of court to grant order of custody—Matrimonial Causes Act, 1950, s. 26 (1).
Bryant v. Bryant, C.A. [1956] P. 164; [1955] 2 W.L.R. 922.

Paramount interest of child. (*See also* **Guardianship.**)

American court's order awarding custody to mother—Child removed to Canada—Father's application to Canadian court—Jurisdiction in Canadian court—Whether foreign court's award conclusive—Matters to be taken into consideration—Paramount consideration of child's welfare. **McKee v. McKee,** J.C. [1951] A.C. 352; [1951] 1 T.L.R. 755; [1951] 1 All E.R. 942.

Mother guilty of adultery—Subsequent marriage to co-respondent—Whether precluded from custody. **Willoughby v. Willoughby,** C.A. [1951] P. 184.

Remarriage of divorced parents

Effect of re-marriage of parents upon custody proceedings in their previous divorce—Matrimonial Causes Act, 1950, s. 26 (1).
Grainger v. Grainger and Clark, C.A. [1960] P. 99; [1959] 3 W.L.R. 642.

Removal from jurisdiction

Issue as to jurisdiction of court—Injunction and order to return children sought—Power of court to make order as to children of British nationality outside the jurisdiction—Matrimonial Causes Act, 1950, s. 26.
Harben v. Harben, Sachs J. [1957] 1 W.L.R. 261.

Order against—Form.
Practice Direction (Custody Order), Probate [1953] 1 W.L.R. 707.

Order—Variation—Order as to custody varied by divorce registrar to give mother right to take child out of jurisdiction during school holidays without the written consent of the father—Whether registrar may dispense generally with father's written consent.
Bilainkin v. Bilainkin, C.A. [1959] 1 W.L.R. 139.

Removal by wife—Decree against wife on ground of desertion—Right of husband to custody to enable him to bring proceedings in foreign court—Care and control.
Wakeham v. Wakeham, C.A. [1954] 1 W.L.R. 366.

Welfare officer

Reference to. **Practice Direction,** Divl.Ct. [1959] 1 W.L.R. 1168.

Guardianship

Appeal from justices

Appeals to the assigned judge of the Chancery Division—R.S.C., Ord. 55A, r. 6.
Practice Direction (Guardianship of Infants Acts, 1886 and 1925), Ch.D. [1957] 1 W.L.R. 104.

Leave to appeal out of time—R.S.C., Ord. 55A, r. 6 (2)—Guardianship of Infants Acts, 1886 and 1925.
Practice Direction. (Appeals from Justices under the Guardianship of Infants Acts, 1886 and 1925), Ch.D. [1955] 1 W.L.R. 1239.

Practice—Guardianship of Infants Acts, 1886 and 1925—R.S.C., Ord. 55A.
Practice Direction, Ch.D. [1960] 1 W.L.R. 744.

Reasons for decision below to be lodged with application for direction—Guardianship of Infants Acts, 1886 and 1925.
Practice Direction (Guardianship of Infants Acts, 1886 and 1925), Ch.D. [1955] 1 W.L.R. 335.

Stay pending appeal—Order directing change of custody—Stay often necessary—Guardianship of Infants Acts, 1886–1951.
In re **S. (An Infant),** Roxburgh J. [1958] 1 W.L.R. 391.

Chancery Division

Hearing in open court—Question raised of great public importance.
In re **S. (An Infant),** Roxburgh J. [1958] 1 W.L.R. 391.

Court of Appeal

Jurisdiction—Interlocutory matter—Guardianship of Infants Acts, 1886 to 1925.
In re **Whittle (an Infant) (Practice Note),** C.A. [1953] 1 W.L.R. 1405.

INFANT—*continued.*

Guardianship—*continued.*

Illegitimate child. (*See also* **Ward of court.**)

Application by putative father for custody order—Whether jurisdiction to entertain application—"Father"—Guardianship of Infants Act, 1886, s. 5—Guardianship of Infants Act, 1925, s. 3—Administration of Justice Act, 1928, s. 16.
In re **C. T. (An Infant).** *In re* **J. T. (An Infant),** Roxburgh J. [1957] Ch. 48; [1956] 3 W.L.R. 826.

Rights of mother—Rights of putative father—Mother's wish to have child adopted.
In re **Aster (an infant),** C.A. [1955] 1 W.L.R. 465.

Joint guardians

Appointment of joint guardian by court—Principles applicable—Application by infant's sister for joint guardianship with father—Order by justices to enable sister to apply for custody—Guardianship of Infants Act, 1925, s. 4 (2).
In re **H. (an Infant),** Roxburgh J. [1959] 1 W.L.R. 1163.

Jurisdiction

Access—Application for order to send child out of jurisdiction—Not ward of court—Jurisdiction—Canadian order giving custody to mother—Mother domiciled in England—Application by father, under Guardianship of Infants Acts, for child to spend holiday with him in Israel—Guardianship of Infants Acts, 1886 to 1925—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9—R.S.C., Ord. 54P.
In re **E. (an infant),** Roxburgh J. [1956] Ch. 23; [1955] 3 W.L.R. 493.

Infant resident abroad—Unusual to exercise jurisdiction—Justices—Respondent must be within jurisdiction—Guardianship of Infants Act, 1886, ss. 5, 9—Guardianship of Infants Act, 1925, s. 7 (1).
Rex v. Sandbach Justices; *Ex parte* **Smith,** Divl.Ct. [1951] 1 K.B. 62; [1950] 2 All E.R. 781.

Justices—Petitioner or respondent to be within jurisdiction—Variation of order by different court—Custody order including order for maintenance—Whether "order for the payment of money"—Guardianship of Infants Act, 1886, s. 5—Guardianship of Infants Act, 1925, ss. 3, 4—Children Act, 1948, s. 53—Guardianship and Maintenance of Infants Act, 1951, s. 1—Magistrates' Courts Act, 1952, s. 132, Sch. 6.
In re **Dankbars,** C.A. [1954] Ch. 98; [1953] 3 W.L.R. 957.

Maintenance. *See* **Maintenance.**

Paramount interest of child. (*See also* **Custody.**)

Conduct of parties not paramount question—Guardianship of Infants Act, 1925, s. 1.
Chipperfield v. Chipperfield, Divl.Ct. [1952] W.N. 272; [1952] 1 T.L.R. 1519; [1952] 1 All E.R. 1360.

Maintenance. (*See also* CONFLICT OF LAWS; HUSBAND AND WIFE.)

Application to vary order

Justices' refusal to adjudicate—Matter more conveniently dealt with by High Court—Validity of order—"Application"—Meaning—Guardianship of Infants Act, 1925, s. 7 (3). *In re* **L—— (Infants),** Roxburgh J. [1951] Ch. 756; [1951] 1 T.L.R. 827; [1951] 1 All E.R. 912.

Court of Appeal

Need for leave to appeal to—Question of maintenance—Appeal under Guardianship Acts.
In re **W.—— (Infants),** C.A. [1956] Ch. 384; [1956] 2 W.L.R. 493.

Quantum

Whether means of mother to be taken into consideration—Guardianship of Infants Act, 1925, s. 3 (1) (2). *In re* **T——,** Roxburgh J. [1953] Ch. 787; [1953] 3 W.L.R. 619.
In re **W.—— (Infants),** C.A. [1956] Ch. 384; [1956] 2 W.L.R. 493.

Negligence. *See* NEGLIGENCE (**Child**).

Paternity. *See* BASTARDY; LEGITIMACY.

Property

Right to receive

Share of residuary estate under will—Direction in will for payment of share to infant—Marriage of female infant—Whether trustee bound to make payment on sole receipt of infant.
In re **Somech, decd.,** Upjohn J. [1957] Ch. 165; [1956] 3 W.L.R. 763.

Ward of court

Illegitimate child

Claim of father to access—Order directing infant to cease to be ward of court—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9.
In re **G. (An Infant),** C.A. [1956] 1 W.L.R. 911.

Jurisdiction

Child in care of local authority—Whether jurisdiction over child in care of local authority—Local Reform (Miscellaneous Provisions) Act, 1949, s. 9.
In re **M. (An Infant),** Cross J. [1961] Ch. 81; [1960] 3 W.L.R. 1045.

Custody order by Divorce Division—Children subsequently made wards of court—Whether conflict of jurisdiction—Principles applicable—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9.
In re **Andrews (Infants),** Upjohn J. [1958] Ch. 665; [1958] 2 W.L.R. 946.

Divorce Division.
Andrews v. Andrews and Sullivan, Wrangham J. [1958] P. 217; [1958] 2 W.L.R. 942.

INFANT—*continued.*

Ward of court—*continued.*

Order for access

Child not ward of court—Application by father, under Guardianship of Infants Acts, for child to spend holiday with him in Israel—Jurisdiction—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9—R.S.C., Ord. 54P.
In re **E. (an infant),** Roxburgh J. [1956] Ch. 23; [1955] 3 W.L.R. 493.

Removal from jurisdiction

American father soldier returned to America—Wife refusing to join him there—Father's application for custody and permission to remove out of jurisdiction.
In re **Benner, Infants,** Vaisey J. [1951] W.N. 436.

INJUNCTION

Crown proceedings. *See* CROWN PROCEEDINGS.

Discharge or suspension

Application for

To be made to judge who granted injunction.
Brocket v. Luton Corporation, Vaisey J. [1951] W.N. 380.

Divorce. *See* HUSBAND AND WIFE.

Form

Joint or several

Injunction not expressed to restrain severally—Breach of injunction by one defendant—Jurisdiction to commit for contempt. **Lenton v. Tregoning,** C.A. [1960] 1 W.L.R. 333.

Nuisance

Mandatory order on occupiers of land " at all times " to keep culvert clear and unobstructed —Whether too wide. **Pemberton v. Bright,** C.A. [1960] 1 W.L.R. 436.

Trap

Injunction to restrain sales of cars as new—Disputed meaning of " new "—Need for definition in injunction.
Morris Motors Ltd. v. Phelan, Roxburgh J. [1960] 1 W.L.R. 352, 566.

Infant. *See* INFANT.

Interlocutory. (*See also* **Mandatory; Nuisance**).

Jurisdiction to grant

Position pending leave to bring proceedings—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45. **Winstone v. Winstone,** Winn J. [1960] P. 28; [1959] 3 W.L.R. 660.

Jury action

Libel—Passing off—No irreparable damage—Whether relief should be granted.
Sim v. H. J. Heinz Co. Ltd., C.A. [1959] 1 W.L.R. 313.

Terms

Plaintiff's undertaking in damages—Undertaking fortified by payment to parties' solicitors. **Baxter v. Claydon** [1952] W.N. 376.

Mandatory injunction. (*See also* **Trespass.**)

Building

Projecting—Building on footings of next door house.
Truckell v. Stock, C.A. [1957] 1 W.L.R. 161.

Ferry

Closure—Ferry owned by municipal corporation—Not extensively used and run at a loss —Operation discontinued—Relator action—Refusal of mandatory injunction to compel corporation to operate ferry.
Attorney-General v. Colchester Corporation, Lord Goddard C.J. [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913.

Interlocutory

Goods shipped from Southampton to Montreal—Freight paid by shipper to carriers in advance—Bills of lading retained by carriers against earlier shipping charges unpaid—Previous similar practice between shipper and carriers—Goods claimed by purchaser in Montreal—Refusal of delivery—Action for mandatory order for delivery—Interim order negatived.
Trucks and Spares Ltd. v. Maritime Agencies (Southampton) Ltd., C.A. [1951] W.N. 597; [1951] 2 T.L.R. 1021; [1951] 2 All E.R. 982.

Marriage settlements

Power to issue

Disposal of funds—Matrimonial Causes Act, 1950, ss. 24, 25.
Hindley v. Hindley, Davies J. [1957] 1 W.L.R. 898.

Nuisance. (*See also* NUISANCE.)

Interlocutory injunction

Form—Use of premises for prostitution—Action by owners of adjoining premises—Costs.
Thompson-Schwab v. Costaki, C.A. [1956] 1 W.L.R. 335.

Local authority, by

River pollution—*Whether injunction should be granted—Form.*
Pride of Derby and Derbyshire Angling Association v. British Celanese Ld., C.A. [1952] W.N. 227; [1952] 1 T.L.R. 1013; [1952] 1 All E.R. 1326; [1953] Ch. 149; [1953] 2 W.L.R. 58.

INJUNCTION—*continued.*

Nuisance—*continued.*

Smoke

Nursery garden—Noxious matter discharged from nearby industrial undertaking—Damage to plants—Previous agreement to pay damages—Admission of nuisance—Whether injunction appropriate remedy.
McKinnon Industries Ltd. v. Walker, J.C. [1951] W.N. 401.

Trees

Continuing nuisance from roots of trees on adjoining land—Injunction granted.
McCombe v. Read, Harman J. [1955] 2 Q.B. 429; [1955] 1 W.L.R. 635.

Relator action

Act conferring public benefit

Course of conduct showing intention to use machinery of Act to evade its provisions—Jurisdiction of court to grant injunction—Town and Country Planning Act, 1947, ss. 12 (1), 18, 23.
Attorney-General v. Smith, Lord Goddard C.J. [1958] 2 Q.B. 173; [1958] 3 W.L.R. 81.

Attorney-General's discretion

Independent exercise of court's discretion—Repeated breaches of statute to public advantage—Prosecutions for private advantage—Question of public injury.
Attorney-General v. Harris, Salmon J. [1960] 1 Q.B. 31; [1959] 3 W.L.R. 205.
C.A. [1961] 1 Q.B. 74; [1960] 3 W.L.R. 532.

Town and country planning—Enforcement notice—Non-compliance—Infringement of public right—Remedy by way of injunction—Jurisdiction.
Attorney-General v. Bastow, Devlin J. [1957] 1 Q.B. 514; [1957] 2 W.L.R. 340.

Restrictive practice. *See* Restrictive Practice.

Sale of goods

Letter of credit

Application for injunction freezing letter of credit—Jurisdiction of court.
Hamzeh Malas & Sons v. British Imex Industries Ltd., C.A. [1958] 2 Q.B. 127; [1958] 2 W.L.R. 100.

Trespass

Airspace

Sign overhanging premises—Mandatory injunction.
Kelsen v. Imperial Tobacco Co. (of Great Britain and Ireland) Ltd., McNair J. [1957] 2 Q.B. 334; [1957] 2 W.L.R. 1007.

Trivial damage

Fraud to court. **Armstrong v. Sheppard & Short Ltd.,** C.A. [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84.

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Duty to guest

Dangerous premises

Paying guest injured by fall on drive—Standard of care—Implied warranty to take reasonable care that premises are reasonably safe.
Bell v. Travco Hotels Ld., C.A. [1953] 1 Q.B. 473; [1953] 2 W.L.R. 556.

Loss of guests' goods

Fire—No absolute liability for injury to goods—Motor-car destroyed by fire—No liability—Fires Prevention (Metropolis) Act, 1774 (14 Geo. 3, c. 78), s. 86.
Williams v. Owen, Finnemore J. [1955] 1 W.L.R. 1293.

Hospitium—Motor-coach parked in place outside actual hospitium of inn—Permission to park given by innkeeper—Whether hospitium extended pro hac vice—Whether innkeeper liable for damage to motor-coach.
Watson v. People's Refreshment House Association Ltd., Devlin J. [1952] 1 K.B. 318; [1952] 1 T.L.R. 361; [1952] 1 All E.R. 289.

Luggage left in locked boot of car in hotel garage—Luggage stolen—Inn-keeper's liability.
Gresham v. Lyon, McNair J. [1954] 1 W.L.R. 1100.

Motor-car stolen from car park—Owner of car a local resident calling at inn for liquid refreshment only—Traveller—Guest—Whether car park within hospitium of inn—Notice relieving innkeeper of liability.
Williams v. Linnett, C.A. [1951] 1 K.B. 565; [1951] 1 T.L.R. 94; [1951] 1 All E.R. 278.

INSANITY

See Crime; Husband and Wife; Mental Deficiency.

INSURANCE

Accident insurance. (*See also* **Risk.**)

"Personal injury"

Death following injury—Whether covered—Insured over sixty-five years of age not entitled to benefit—Meaning of "over"—Construction.
Lloyds Bank Ltd. v. Eagle Star Insurance Co. Ltd., Jones J. [1951] 1 T.L.R. 803; [1951] 1 All E.R. 914.

Broker

Negligence

Instructions to insure goods—Relevant risk not covered—Goods destroyed before assured received cover note—No duty in law to send on at once to clients—Marine insurance.
United Mills Agencies Ltd. v. R. E. Harvey Bray & Co., McNair J. [1952] 1 T.L.R. 149; [1952] 1 All E.R. 225n.

INSURANCE—*continued.*

Claim

Privileged correspondence. See PRACTICE (**Discovery**).

Unliquidated damages

Chose in action—Situs of chose in action—English company—Policy effected in Haifa.
F. & K. Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Condition. *See* **Warranty.**

Contract, provision for, in

Effect on liability inter parties

Building contract. **James Archdale & Co. Ld. v. Comservices Ld.,** C.A. [1954] 1 W.L.R. 459.

Whether interests of both parties to be covered

Building contract—R.I.B.A. form—Injury to adjoining properties—Whether contractor liable to cover by insurance liability of building owner as well as his own liability.
Gold v. Patman & Fotheringham Ltd., C.A. [1958] 1 W.L.R. 697.

Employers' liability

" Contract of service "

Unskilled labourer lent by his employer to assured—Death due to negligence of assured's servants—Labourer not " under a contract of service " with assured.
Denham v. Midland Employers Mutual Assurance Ld., C.A. [1955] 2 Q.B. 437; [1955] 3 W.L.R. 84.

Fire. *See* **Risk.**

Inherent vice. *See* **Marine.**

Interest of third party in policy

Life or accident insurance

Accident resulting in death to employee—Policy contracted by employer—Whether employees' estate has legal or equitable interest in policy moneys.
Green v. Russell, C.A. [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17.

Payment under group life assurance scheme to personal representatives of deceased—Enforceable right as cestuis que trust—Fatal Accidents (Damages) Act, 1908, s. 1.
Bowskill v. Dawson (No. 2), C.A. [1955] 1 Q.B. 13; [1954] 3 W.L.R. 275.

Liability insurance

Professional negligence

Accountants indemnified against loss for any claim made against them in respect of their neglect, default or error or that of their servants—Queen's Counsel clause—Mixed claim involving negligence and dishonesty—Whether within scope of policy.
West Wake Price & Co. v. Ching, Devlin J. [1957] 1 W.L.R. 45.

Life insurance

Estate duty. See REVENUE (**Estate Duty**).

Fatal accident. See FATAL ACCIDENTS ACTS.

Policy

Property in—Not contingent—Gift of current policy—Donor's intention to pay future premiums. **Rice v. Commissioner of Stamp Duties,** J.C. [1954] A.C. 216; [1954] 2 W.L.R. 460.

——— Whether limited to right to policy money.
Coutts & Co. v. Inland Revenue Comrs., H.L.(E.) [1953] A.C. 267; [1953] 2 W.L.R. 364.
D'Avigdor-Goldsmid v. Inland Revenue Comrs., H.L.(E.) [1953] A.C. 347; [1953] 2 W.L.R. 372.
Westminster Bank v. Inland Revenue Commrs., H.L.(E.) [1958] A.C. 210; [1957] 3 W.L.R. 427.

Loss

Goods

Fraudulent possession of car by agent of owner—Sale by agent in own name—Police inform owner recovery unlikely—No further steps taken by owner to recover car.
Webster v. General Accident Fire and Life Assurance Corpn. Ld., Parker J. [1953] 1 Q.B. 520; [1953] 2 W.L.R. 491.

Policy covering legal liability of assured for damage or loss of goods in transit and held by the assured in trust—Assured's business mainly conducted through sub-contractors—Lorry driver falsely representing that lorry was owned by sub-contractors and asking for return load—Collection order signed by assured and accepted by owners of goods—Goods loaded in lorry and driver given delivery order—Theft of goods by driver—Liability of insurers to indemnify assured.
John Rigby (Haulage) Ltd. v. Reliance Marine Insurance Co. Ltd., C.A. [1956] 2 Q.B. 468; [1956] 3 W.L.R. 407.

Sale of motor-vehicle induced by fraud of purchaser—Delivery of motor-vehicle in exchange for cheque—Worthless cheque—No intention by purchaser to pay for motor-vehicle—Motor-vehicle obtained by false pretences—Not a " loss " within meaning of insurance policy. **Eisinger v. General Accident Fire and Life Assurance Corpn. Ld.,** Lord Goddard C.J. [1955] 1 W.L.R. 869.

INSURANCE—*continued.*

Marine

Cargo

"Inherent vice"—"All risks from whatsoever cause arising"—Institute Cargo Clauses (Wartime Extensions), cl. 6—Marine Insurance Act, 1906, s. 55 (2) (*c*).
F. W. Berk & Co. Ld. v. Style, Sellers J. [1956] 1 Q.B. 180; [1955] 3 W.L.R. 935.

Freight

Restraint of princes—Civil war—Frustration clause—Loss caused by two perils—Whether warranty against one operates—Time clause—Loading of cargo prevented by government forces during civil war—Abandonment of voyage—Justification—Quantum of loss—Charter in substitution for original charter—"Gross freight lost."
Atlantic Maritime Co. Inc. v. Gibbon, Sellers J. [1953] 2 W.L.R. 725; C.A. [1954] 1 Q.B. 88; [1953] 3 W.L.R. 714.

War risks

"Prolongation of voyage"—Admiralty advice to shipping to avoid Suez Canal area—"Direction"—"Approval"—Calls made at unscheduled ports—Liability of insurers under policy.
Union-Castle Mail S.S. Co. Ltd. v. United Kingdom Mutual War Risks Association Ltd., Diplock J. [1958] 1 Q.B. 380; [1958] 2 W.L.R. 274.

Warranty

Construction—Carriage of cattle—All arrangements for conversion of vessel made "at inception of this insurance"—Meaning—When insurance cover was obtained—"All arrangements"—Construction. **Simons v. Gale,** J.C. [1958] 1 W.L.R. 678.

Motor-vehicle. (*See also* ROAD TRAFFIC **(Third party insurance).)**

Exclusion clause

Insurers not liable if car "conveying any load in excess of that for which it was constructed"—Number of passengers in excess of seating accommodation—Whether clause applicable—Contra proferentem rule.
Houghton v. Trafalgar Insurance Co. Ld., C.A. [1954] 1 Q.B. 247; [1953] 3 W.L.R. 985.

"*Loss.*" *See* **Loss.**

National insurance. *See* NATIONAL INSURANCE.

Open cover

Certificates thereunder

Whether themselves contracts—Whether foreign jurisdiction clause in open cover incorporated.
MacLeod Ross & Co. Ltd. v. Compagnie D'Assurance L'Helvetia de St. Gall, C.A. [1952] W.N. 56; [1952] 1 T.L.R. 314; [1952] 1 All E.R. 331.

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Boiler Inspection and Insurance Co. of Canada v. Sherwin-Williams Co. of Canada Ltd., J.C. [1951] A.C. 319; [1951] 1 T.L.R. 497.

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In re **Miller, Gibb & Co. Ltd.,** Wynn-Parry J. [1957] 1 W.L.R. 703.

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West v. National Motor and Accident Insurance Union Ld., C.A. [1955] 1 W.L.R. 343.

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Bond Air Services, Ld. v. Hill, Lord Goddard C.J. [1955] 2 Q.B. 417; [1955] 2 W.L.R. 1194.

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In re **Fine Industrial Commodities Ld.**, Vaisey J. [1956] Ch. 256; [1955] 3 W.L.R. 940.

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Civil Air Transport Incorporated v. Central Air Transport Corporation, J.C. [1953] A.C. 70; [1952] 2 T.L.R. 621; [1952] 2 All E.R. 733.
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Polish Government in London from 1940 to 1945—New Polish Government constituted at Lublin on June 28, 1945—Recognition of new Polish Government by British Government as from midnight July 5–6, 1945—Terms of certificate of recognition—Retroactivity—No de facto control over Polish ships and men in England by new Polish Government. **Boguslawski v. Gdynia Ameryka Linie** [1951] 1 K.B. 162.
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Gdynia Ameryka Linie Zeglugowe Spolka Akcyjna v. Boguslawski, H.L.(E.) [1953] A.C. 11; [1952] 2 T.L.R. 317; [1952] 2 All E.R. 470.
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Bicknell v. Brosnan, Divl.Ct. [1953] 2 Q.B. 77; [1953] 2 W.L.R. 1052.

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Chisholm v. Hall, J.C. [1959] A.C. 719; [1959] 3 W.L.R. 391.
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Executors' account—Cheques forged by one executor—Payments by bank—Action against bank by innocent executor—Whether fraudulent executor necessary party to action—Whether action maintainable.
Brewer v. Westminster Bank Ltd., McNair J. [1952] W.N. 435; [1952] T.L.R. 568; [1952] 2 All E.R. 650.

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Severance by act of tenant—Joint tenants absolutely entitled to trust fund on attaining 21—Severance of income—Right of joint tenant to income from share before severance of capital. **Hawkesley v. May,** Havers J. [1956] 1 Q.B. 304; [1955] 3 W.L.R. 569.

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Johnson v. Croggan & Co. Ld., Pilcher J. [1954] 1 W.L.R. 195.

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Written offer of contribution before trial—To be treated as payment into court—Whether tortfeasor making offer entitled to costs after notional payment into court—R.S.C., Ord. 30, r. 2 (2) (*j*). **Basted v. Cozens & Sutcliffe Ld.,** Devlin J. [1954] 1 W.L.R. 1069.

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Machine gearing defectively encased — Liability of vendor of machine to contribute towards damages awarded against owner of factory—Factories Act, 1937, s. 17.
Biddle v. Truvox Engineering Co. Ltd.; Greenwood and Batley Ltd. (third parties), Finnemore J. [1951] W.N. 529; [1951] 2 T.L.R. 968; [1951] 2 All E.R. 835.

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Whether claim to contribution survived against estate of deceased tortfeasor—Whether deceased a tortfeasor "who . . . would, if sued, have been liable"—"if sued"—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (*c*).
Harvey v. R. G. O'Dell Ltd., McNair J. [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473.

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Drinkwater v. Kimber, Devlin J. [1951] W.N. 496; [1951] 2 T.L.R. 630; [1951] 2 All E.R. 713.
C.A. [1952] 2 Q.B. 281; [1952] 1 T.L.R. 1486; [1952] 1 All E.R. 701.

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Harvey v. R. G. O'Dell Ltd., McNair J. [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473.

JOINT TORTFEASORS—*continued.*

Contribution (*Limitation of action*)—*continued.*

Action against one tortfeasor statute barred—Whether "liable"—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (*c*)—Limitation Act, 1939, ss. 2, 21 (1), (2). **Littlewood v. George Wimpey & Co. Ld. and B.O.A.C.,** Parker J. [1953] 1 W.L.R. 426; C.A. [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553.
George Wimpey & Co. Ld. v. B.O.A.C., H.L.(E.) [1955] A.C. 169; [1954] 3 W.L.R. 932.
Morgan v. Ashmore, Benson, Pease & Co. Ld., Donovan J. [1953] 1 W.L.R. 418.

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Two plaintiffs and two defendants—Plaintiffs' claims settled—Damages and costs paid by second defendant—Plaintiffs' names left on record—Action brought to trial—No evidence offered by plaintiffs—Whether court has power to determine proportion of damages as between defendants. **Calvert v. Pick,** Gerrard J. [1954] 1 W.L.R. 456.

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Jones v. National Coal Board, C.A. [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760.

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Terrell v. Secretary of State for the Colonies, Lord Goddard C.J. [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331.

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Counsel, cases not cited by

Authorities not cited previously

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In re **Wright,** Roxburgh J. [1954] Ch. 347; [1954] 2 W.L.R. 481.

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Rahimtoola v. Nizam of Hyderabad, H.L.(E.) [1958] A.C. 379; [1957] 3 W.L.R. 884.

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Ratio decidendi—Whether early or later decision binding on Court of Appeal—Two members of court parties to both decisions.
Craddock v. Hampshire County Council, C.A. [1958] 1 W.L.R. 202.

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Similar decision only under appeal. *In re* **Yates' Settlement Trusts,** C.A. [1954] 1 W.L.R. 564.

JUDICIAL PRECEDENT—*continued.*

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Morelle Ld. v. Wakeling, C.A. [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672.

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Attorney-General v. Parsons, C.A. [1955] Ch. 664; [1955] 3 W.L.R. 29.
(H.L.(E.) [1956] A.C. 421; [1956] 2 W.L.R. 153.)

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Critchell v. Lambeth Borough Council, C.A. [1957] 2 Q.B. 535; [1957] 3 W.L.R. 108.

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A. & J. Mucklow Ld. v. Inland Revenue Commrs., C.A. [1954] Ch. 615; [1954] 3 W.L.R. 129.

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Bryers v. Canadian Pacific Steamships Ltd., Diplock J. [1956] 1 W.L.R. 1181; C.A. [1957] 1 Q.B. 134; [1956] 3 WL.R. 776.

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Commissioner of Stamp Duties of New South Wales v. Pearse, J.C. [1954] A.C. 91; [1954] 2 W.L.R. 5.

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Betty's Cafés Ltd. v. Phillips Furnishing Stores Ltd., Danckwerts J. [1956] 1 W.L.R. 678.
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H.L.(E.) [1958] 2 W.L.R. 513.

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Russell v. Smith, Divl.Ct. [1958] 1 Q.B. 27; [1957] 3 W.L.R. 515.

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Rushton v. National Coal Board, C.A. [1953] 1 W.L.R. 292.

——— Whether counsel should cite amounts awarded in other cases where similar injuries sustained—Judge's discretion.
Waldon v. War Office, C.A. [1956] 1 W.L.R. 51.

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Alma Shipping Co., S.A. v. V. M. Salgaoncar E Irmaos Ltda., Devlin J. [1954] 2 Q.B. 94; [1954] 1 W.L.R. 650.

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In re **Cohen, decd.,** Danckwerts J. [1960] Ch. 179; [1959] 3 W.L.R. 916.

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Monmouthshire County Council v. Smith, Lynskey J. [1956] 1 W.L.R. 1132.
Receiver for Metropolitan Police District v. Croydon Corpn., Slade J. [1956] 1 W.L.R. 1113.

Salvage. **The Makedonia,** Pilcher J. [1958] 1 Q.B. 365; [1958] 2 W.L.R. 256.

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Matthews v. Kuwait Bechtel Corporation, C.A. [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702.

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Brownsea Haven Properties Ltd. v. Poole Corpn., Vaisey J. [1957] 3 W.L.R. 669.
C.A. [1958] Ch. 574; [1958] 2 W.L.R. 137.

Stare decisis inapplicable. **Hughes and Vale Proprietary Ld. v. State of New South Wales,** J.C. [1955] A.C. 241; [1954] 3 W.L.R. 824.

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Dun v. Dun, J.C. [1959] A.C. 272; [1959] 2 W.L.R. 554.

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Triefus & Co Ltd. v. Post Office, C.A. [1957] 2 Q.B. 352; [1957] 3 W.L.R. 1.

JUDICIAL PRECEDENT—*continued.*

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Bragg v. Crosville Motor Services Ltd., C.A. [1959] 1 W.L.R. 324.

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Melias Ltd. v. Preston, Divl.Ct. [1957] 2 Q.B. 380; [1957] 3 W.L.R. 42.
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Cogley v. Sherwood, Divl.Ct. [1959] 2 W.L.R. 781.

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Terrell v. Secretary of State for the Colonies,
Lord Goddard C.J. [1953] 2 Q.B. 482;
[1953] 3 W.L.R. 331.

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Galloway v. Galloway, C.A. [1954] P. 312; [1954] 2 W.L.R. 980.
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Public Trustee v. Inland Revenue Comrs., H.L.(E.) [1960] A.C. 398;
[1960] 2 W.L.R. 203.
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Rex v. Northumberland Compensation Appeal Tribunal; *Ex parte* **Shaw,**
Divl.Ct. [1951] 1 K.B. 711; [1951] 1 T.L.R. 270; [1951] 1 All E.R. 268.
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Roxburgh J. [1954] Ch. 576; [1953] 3 W.L.R. 1037.
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London Transport Executive v. Betts, C.A. [1957] 1 W.L.R. 988.
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H.L.(E.) [1958] A.C. 509; [1957] 3 W.L.R. 1056.

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Winchester v. Fleming, Devlin J. [1958] 1 Q.B. 259; [1957] 3 W.L.R. 1023.

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In re **Vitamins Ltd.'s Application,** Lloyd-Jacob J. [1956] 1 W.L.R. 1.
Difficulty in ascertaining ratio decidendi—Irreconcilability with well-established principles of law—Insoluble problems raised by decision.
Port Line Ltd. v. Ben Line Steamers Ltd., Diplock J. [1958] 2 Q.B. 146;
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Qualcast (Wolverhampton) Ltd. v. Haynes, H.L.(E.) [1959] A.C. 743;
[1959] 2 W.L.R. 510.
Brown v. Rolls Royce Ltd., H.L.(Sc.) [1960] 1 W.L.R. 210.
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Cavanagh v. Ulster Weaving Co. Ltd., H.L.(N.I.) [1960] A.C. 145;
[1959] 3 W.L.R. 262.

JUDICIAL PRECEDENT—*continued.*

Question of fact—*continued.*

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Hazell v. British Transport Commission, Pearson J. [1958] 1 W.L.R. 177.

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Sun Life Assurance Society v. Davidson. Phoenix Assurance Co. Ltd. v. Logan, C.A. [1956] Ch. 524; [1956] 3 W.L.R. 238.

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Regina v. Minister of Agriculture and Fisheries. *Ex parte* **Graham. Regina v. Agricultural Land Tribunal (South Western Province).** *Ex parte* **Benney,** Divl.Ct. [1955] 2 W.L.R. 148; C.A. [1955] 2 Q.B. 140; [1955] 2 W.L.R. 872.

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Watson v. Nikolaisen, Divl.Ct. [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187.

———————— Revenue—Court entitled to follow Scottish decisions.

Wiseburgh v. Domville, Harman J. [1955] 1 W.L.R. 1287; C.A. [1956] 1 W.L.R. 312.

———————— Difficulty of Scottish courts applying English law—Charity—Police athletic association—Profits of annual sports meeting.

Inland Revenue Comrs. v. City of Glasgow Police Athletic Association, H.L.(Sc.) [1953] A.C. 380; [1953] 2 W.L.R. 625.

———————— No peculiarity of Scots law involved—Decision not per incuriam—Whether Court of Appeal bound by Court of Session.

Abbott v. Philbin, C.A. [1960] Ch. 27; [1959] 3 W.L.R. 739.

———————— Road Traffic Acts.

Cording v. Halse, Divl.Ct. [1955] 1 Q.B. 63; [1954] 3 W.L.R. 625.

———————— Shops Acts.

Kahn v. Newberry, Divl.Ct. [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650.

Divorce

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Jamieson v. Jamieson, H.L.(Sc.) [1952] A.C. 525; [1952] 1 T.L.R. 833; [1952] 1 All E.R. 875.

Power of appointment

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In re **McMorran, decd.,** Harman J. [1958] Ch. 624; [1958] 2 W.L.R. 327.

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South Africa

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Harris v. Döuges, S.A. Supreme Ct. [1952] 1 T.L.R. 1245.

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Construction

Assumed construction in Court of Appeal and House of Lords for decision on different point—Adopted construction not binding.

Inland Revenue Comrs. v. Hinchy, Diplock J. [1959] 1 Q.B. 327; [1959] 2 W.L.R. 32. C.A. [1959] 3 W.L.R. 66. H.L.(E.) [1960] A.C. 748; [1960] 2 W.L.R. 448.

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London Transport Executive v. Betts, H.L.(E.) [1959] A.C. 213; [1958] 3 W.L.R. 239.

Public Trustee v. Inland Revenue Comrs., H.L.(E.) [1960] A.C. 398; [1960] 2 W.L.R. 203.

Obiter dictum on meaning of words prior to enactment—"Intent to defraud"—Forgery Act, 1913, s. 4 (1). **Reg. v. Welham,** C.C.A. [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333. *Sub nom.* **Welham v. Director of Public Prosecutions,** H.L.(E.) [1961] A.C. 103; [1960] 2 W.L.R. 669.

Penal statute—Decision in favour of subject affecting subsequent property rights—Rent restriction—Illegal premium.

Elmdene Estates Ltd. v. White, H.L.(E.) [1960] A.C. 528; [1960] 2 W.L.R. 359.

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Independent Order of Oddfellows Manchester Unity Friendly Society v. Manchester Corporation, C.A. [1958] 1 W.L.R. 1171.

JUDICIAL PRECEDENT—*continued.*

United States decision

Commercial law

Desirability of uniformity—U.S. Supreme Court.
Midland Silicones Ltd. v. Scruttons Ltd., C.A. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372.

Conflict of laws

As between state and state—Lack of weight here.
Government of India v. Taylor, H.L.(E.) [1955] A.C. 491; [1955] 2 W.L.R. 303.

JUDICIAL SEPARATION

See Husband and Wife.

JURY. (*See also* Crime; Damages (**Personal injuries**); Practice.)

Coercion

Judge, by

Criminal law—Threat to jury to keep all night if no verdict within ten minutes—Effect.
Reg. v. McKenna, C.C.A. [1960] 1 Q.B. 411; [1960] 2 W.L.R. 306.

Constitution

Tales

Trial on indictment—No summoned jurors present—Tales prayed by clerk of the peace—Twelve jurors collected—Whether jury competent—Course to be adopted in future.
Reg. v. Solomon, C.C.A. [1958] 1 Q.B. 203; [1957] 3 W.L.R. 915.

JUSTICE MUST BE SEEN TO BE DONE

Justices

Bias. (*See also* Justices.)

Test to be applied—Whether real likelihood of bias.
Regina v. Camborne Justices. *Ex parte* **Pearce** [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415.

JUSTICES. (*See also* Husband and Wife.)

Absence of accused, conviction in. (*See also* **Plea.**)

Notice of sentence

Disqualification from driving—Envelope containing notice not opened by accused.
Taylor v. Kenyon, Divl.Ct. [1952] W.N. 478; [1952] 2 All E.R. 726.

Action against

False imprisonment

Maintenance order made without jurisdiction—Committal to prison for non-payment of arrears—Trespass—Whether action maintainable against justices for false imprisonment and money paid under the order—Effect of statute on common law rights—Accrual of cause of action—Whether date of false imprisonment or discharge of order—Limitation Act, 1939 (2 & 3 Geo. 6, c. 21), s. 21—Justices Protection Act, 1848, s. 2.
O'Connor v. Isaacs, Diplock J. [1956] 2 W.L.R. 585; C.A. [1956] 2 Q.B. 288; [1956] 3 W.L.R. 172.

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Licensing

Occasional licence—Application for occasional licence in Brighton by holder of a full on-licence in Taunton—Justices' consent to occasional licence for off-licence premises "on the occasion of Christmas shopping facilities"—Consent given on condition that no liquor sold for consumption on the premises—Validity of justices' consent—Customs and Excise Act, 1952, s. 151—Licensing Act, 1953, s. 148.
Regina v. Brighton Borough Justices. *Ex parte* **Jarvis,** Divl.Ct. [1954] 1 W.L.R. 203.

Order varying corn rents under Inclosure Act

Quarter sessions—No obligation to hear parties—Whether judicial decision—Whether power to state case—Inclosure Act, 1801 (Scremby).
In re **Scremby Corn Rents,** Divl.Ct. [1960] 1 W.L.R. 648.

Appeal to quarter sessions. (*See also* Crime (**Appeal**).)

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Costs—County Council—Costs granted against council—Whether appealable—Whether Council "person aggrieved"—Public Health Act, 1936, s. 301.
Rex v. Surrey Quarter Sessions; *Ex parte* **Lilley,** Divl.Ct. [1951] 2 K.B. 749; [1951] 2 T.L.R. 546; [1951] 2 All E.R. 659.

——— Refusal by justices to grant costs to successful party—Whether party "aggrieved"—Discretion of justices—Failure to exercise—Whether appealable—Public Health Act, 1936, ss. 300, 301. **Regina v. Lancaster Quarter Sessions.** *Ex parte* **Huyton-with-Roby Urban District Council,** Divl.Ct. [1955] 1 Q.B. 52; [1954] 3 W.L.R. 597.

Convictions under repealed section—Repealed section reproduced ipsissimis verbis in repealing Act—Powers of quarter sessions on appeal—No power to amend original summons after conviction—Summary Jurisdiction (Appeals) Act, 1933, s. 1.
Meek v. Powell, Divl.Ct. [1952] 1 K.B. 164; [1952] 1 T.L.R. 358; [1952] 1 All E.R. 347.

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Appeal to quarter sessions (*Jurisdiction*)—*continued.*

Dustbins, notice to provide—Notice quashed by court of summary jurisdiction—Appeal to quarter sessions—Whether local authority "a person aggrieved"—Public Health Act, 1936, ss. 75, 301.
Reg. v. Nottingham Quarter Sessions. *Ex parte* **Harlow,** Divl.Ct. [1952] 2 Q.B. 601; [1952] 1 T.L.R. 1546; [1952] 2 All E.R. 78.

Juvenile court. *See Juvenile court.*

Offence triable summarily—Plea of guilty—Committal to quarter sessions for sentence—Appeal against committal order—Competence—Criminal Justice Act, 1948, ss. 29 (1) (3) (*a*) (*d*), 36 (1) (2).
Rex v. London Sessions; *Ex parte* **Rogers,** Divl.Ct. [1951] 2 K.B. 74; [1951] 1 T.L.R. 611; [1951] 1 All E.R. 343.

Peace, recognisances to keep—Defendant convicted by metropolitan magistrate and fined for obstruction—Order to enter into recognisances to be of good behaviour—Whether "order made on conviction"—Right of appeal—Criminal Justice Act, 1948, s. 36 (1) (2)—Metropolitan Police Act, 1839, s. 54 (6)—Justice of the Peace Act, 1360.
Rex v. London Sessions; *Ex parte* **Beaumont,** Divl.Ct. [1951] 1 K.B. 557; [1951] 1 T.L.R. 258; [1951] 1 All E.R. 232.

Plea of guilty before justices—Alleged mistake as to nature of charge—Whether appeal lay to quarter sessions against conviction—Criminal Justice Act, 1948, s. 36 (1).
Rex v. West Kent Quarter Sessions; *Ex parte* **Files,** Divl.Ct. [1951] W.N. 440; [1951] 2 T.L.R. 470; [1951] 2 All E.R. 728.

——————— Defendant's statement before sentence showed he was pleading not guilty—Appeal against conviction heard by quarter sessions—Case remitted to justices—Power of quarter sessions to decide whether plea one of guilty or not guilty.
Reg. v. Durham Quarter Sessions. *Ex parte* **Virgo,** Divl.Ct. [1952] 2 Q.B. 1; [1952] 1 T.L.R. 516; [1952] 1 All E.R. 466.

Street trading—Registration of street trader by borough council—Cancellation of registration—Appeal by trader to magistrate—Reversal of cancellation—Whether borough council a "person aggrieved" by magistrate's order—No right of appeal to quarter sessions—London County Council (General Powers) Act, 1947, ss. 25, 64.
Rex v. London Quarter Sessions; *Ex parte* **Westminster Corporation,** Divl.Ct. [1951] 2 K.B. 508; [1951] 1 T.L.R. 932; [1951] 1 All E.R. 1032.

Summary offence before metropolitan magistrate—Order for forfeiture of goods prohibited from export—Five guineas costs awarded—No right of appeal against forfeiture order—Right of appeal "where sum or penalty adjudged to be paid more than £3"—Whether right of appeal by virtue of order for costs—Metropolitan Police Courts Act, 1839, s. 50. **Rex v. London Quarter Sessions;** *Ex parte* **Bowes,** Divl.Ct. [1951] 1 K.B. 383; [1950] 2 All E.R. 1043.

——————————— Plea of guilty—Right of appeal against conviction—"Person . . . aggrieved"—Metropolitan Police Courts Act, 1839, s. 50.
Reg. v. Deputy Chairman of London Quarter Sessions Appeals Committee. *Ex parte* **Borg,** Divl.Ct. [1958] 1 Q.B. 43; [1957] 3 W.L.R. 585.

Third party procedure—Claim to exemption from penalty—Information against third party as actual offender dismissed—Whether appeal lies against imposition of a penalty—Whether third party "other party" to whom notice of appeal must be given—Merchandise Marks Act, 1926, s. 6—Magistrates' Courts Act, 1952, s. 84 (1).
Reg. v. Epsom Justices. *Ex parte* **Dawnier Motors Ltd.,** Divl.Ct. [1961] 1 Q.B. 201; [1960] 3 W.L.R. 872.

Juvenile court

Girl under 17 sent to approved school—Appeal to quarter sessions—Girl then over 17—Position of quarter sessions—Jurisdiction—Children and Young Persons Act, 1933, ss. 61, 62—Summary Jurisdiction (Appeals) Act, 1933, s. 1.
Drover v. Rugman, Divl.Ct. [1951] 1 K.B. 380; [1950] 2 All E.R. 575.

Notice of appeal

Information against third party as actual offender—Dismissal of claim to exemption from penalty—Whether third party "other party" to whom notice of appeal must be given—Magistrates' Courts Act, 1952, s. 84 (1).
Reg. v. Epsom Justices. *Ex parte* **Dawnier Motors Ltd.,** Divl.Ct. [1961] 1 Q.B. 201; [1960] 3 W.L.R. 872.

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Appeal from dismissal of bastardy summons—Notice of date of hearing served on parties—Hearing adjourned sine die—Notice of date of adjourned hearing served on respondent by registered letter—Letter returned undelivered to clerk of peace—Meaning of "in due course give notice" of date for hearing—Whether "hearing" includes adjourned hearing—Whether sending by post sufficient where non-receipt proved—Summary Jurisdiction (Appeals) Act, 1933, s. 3 (1)—Interpretation Act, 1889, ss. 1, 26.
Regina v. London Quarter Sessions Appeals Committee. *Ex parte* **Rossi,** C.A. [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800.

Plea of guilty. See Jurisdiction.

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Practice

Documents to be placed before the court.
Regina v. Grimsby Borough Quarter Sessions. *Ex parte* **Fuller,** Divl.Ct. [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563.

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Practice Note (Appeals and Committals to Quarter Sessions), Divl.Ct. [1956] 1 Q.B. 451; [1956] 2 W.L.R. 681.
Regina v. Dorset Quarter Sessions. *Ex parte* **O'Brien,** Divl.Ct. [1956] 1 Q.B. 452; [1956] 2 W.L.R. 682n.

Prisoner committed in custody to quarter sessions for sentence—Method of identification—Criminal Justice Act, 1948, s. 29.

Bias **Rex v. Barker,** C.C.A. [1951] W.N. 129, 165; [1951] 1 All E.R. 479.

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Chairman of committing justices sitting as deputy chairman at trial.
Regina v. Powell, C.C.A. [1953] 1 W.L.R. 1351.

Licensing

Application for off-licence—Petition in favour of licence previously signed by one justice.
Regina v. Nailsworth Licensing Justices. *Ex parte* **Bird,** Divl.Ct. [1953] 1 W.L.R. 1046.

Pecuniary interest—Application for off-licence by co-operative society—Justices members of co-operative society—Whether pecuniary interest conclusive of bias—Licensing Act, 1953, s. 48 (4) (5).
Reg. v. Barnsley Licensing Justices. *Ex parte* **Barnsley and District Licensed Victuallers' Association,** Divl.Ct. [1959] 2 Q.B. 276; [1959] 3 W.L.R. 96.
C.A. [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305.

Quarter sessions

Attention of recorder drawn to passage in police report—Passage in report followed by list of previous convictions—Real likelihood of prejudice.
Regina v. Grimsby Quarter Sessions. *Ex parte* **Fuller,** Divl.Ct. [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563.

Test to be applied

Proceedings under Food and Drugs Act, 1938, instituted by county council—Clerk to justices member of council but not of appropriate committee—No real likelihood of bias.
Regina v. Camborne Justices. *Ex parte* **Pearce,** Divl.Ct. [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415.

Burden of proof. *See* BURDEN OF PROOF.

Case stated. (*See also* CRIME **(Appeal)**.)

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Application for declaration under National Parks and Access to the Countryside Act, 1949—Original jurisdiction of quarter sessions to make declaration—Jurisdiction in High Court to hear application on case stated—Quarter Sessions Act, 1849, s. 11—National Parks and Access to the Countryside Act, 1949, s. 31.
British Transport Commission v. Worcestershire County Council, Divl.Ct. [1954] 1 W.L.R. 850.

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Desirability of submitting case to both sides—No contentions in fact—Contensions stated in case—Remission to different justices.
Cowlishaw v. Chalkley (Practice Note), Divl.Ct. [1955] 1 W.L.R. 101.

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No power to state case—Summary Jurisdiction Act, 1879, s. 17.
Card v. Salmon, Divl.Ct. [1953] 1 Q.B. 392; [1953] 2 W.L.R. 301.

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New form of case prescribed in rules—Desirability of stating case in new form—Magistrates' Courts (Forms) Rules, 1952, Form 119.
Practice Note (Form of Case Stated), Divl.Ct. [1953] 1 W.L.R. 1309.

To be prepared on foolscap. **Turier v. Webber. (Practice Note),** Divl.Ct. [1954] 1 W.L.R. 808.

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Fact found by quarter sessions—No error in approach—Whether binding on higher court—Supreme Court of Judicature (Consolidation) Act, 1925, s. 25.
Working Men's Club and Institute Union Ltd. v. Swansea Corpn., C.A. [1959] 1 W.L.R. 1197.

Inferences from facts found by quarter sessions—No error in law—Intention to dedicate footpath—Supreme Court of Judicature (Consolidation) Act, 1925, s. 25—National Parks and Access to the Countryside Act, 1949, s. 31 (7).
Chivers & Sons Ltd. v. Cambridge County Council, C.A. [1957] 2 Q.B. 68; [1957] 2 W.L.R. 646.

Must not retry questions of fact.
Huyton-with-Roby Urban District Council v. Hunter, C.A. [1955] 1 W.L.R. 603.

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Conviction by petty sessions—Appeal to quarter sessions—Case stated under Baines' Act on sufficiency of evidence—Procedure undesirable—Quarter Sessions Act, 1849, s. 11.
Grew v. Cubitt, Divl.Ct. [1951] 2 T.L.R. 305.

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Procedural error

Departure from ordinary principles of justice—Evidence given by co-defendant incriminating defendant—Refusal by justices to allow cross-examination of co-defendant—Defendant convicted and co-defendant acquitted—Decision given after departure from ordinary principles of justice and procedure wrong in law—Decision of justices quashed—Question of law to be answered in favour of defendant—Court no power to order retrial—Summary Jurisdiction Act, 1857, s. 6—Magistrates' Courts Act, 1952, s. 87.
Rigby v. Woodward, Divl.Ct. [1957] 1 W.L.R. 250.

Quarter sessions

Order varying corn rents under Inclosure Act—No obligation to hear parties—Whether power to state consultative case—Inclosure Act, 1801 (Scremby).
In re **Scremby Corn Rents,** Divl.Ct. [1960] 1 W.L.R. 648.

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New point. **London County Council v. Farren,** C.A. [1956] 1 W.L.R. 1295.

" Special circumstances "—Inadvertence of solicitors—R.S.C., Ord. 59, r. 30 (2).
Practice Note, Divl.Ct. [1952] W.N. 505.

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Inclusion of relevant facts—Belated application for restatement of case.
Practice Note (Case Stated), Divl.Ct. [1953] 1 W.L.R. 334.

Time for appeal, extension

Extending time for stating or lodging case—No power to extend time by consent—Application to court—Magistrates' Courts Rules, 1952, r. 63—R.S.C., Ord. 59, r. 33.
Whittingham v. Nattrass, Divl.Ct. [1958] 1 W.L.R. 1016.

Children and young persons. *See* CHILDREN AND YOUNG PERSONS.

Clerk

Retirement with justices

Clerk sent into court to receive information from police concerning defendant's previous conviction—Conviction announced—Formal proof of previous conviction then given in court—Irregularity. **Reg. v. East Kerrier Justices.** *Ex parte* **Mundy,** Divl.Ct. [1952] 2 Q.B. 719; [1952] 2 All E.R. 144.

Consultation with clerk—On what matters and in what manner.
Practice Note (Justices' Clerks), Divl.Ct. [1953] 1 W.L.R. 1416.

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Ex parte **How,** Divl.Ct. [1953] 1 W.L.R. 1480.

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Regina v. Welshpool Borough Justices. *Ex parte* **Holley,** Divl.Ct. [1953] 2 Q.B. 403; [1953] 3 W.L.R. 583.
Regina v. Barry (Glamorgan) Justices. *Ex parte* **Nagi Kashim,** Divl.Ct. [1953] 1 W.L.R. 1320.

Retirement as of course—Irregularity.
Reg. v. East Kerrier Justices. *Ex parte* **Mundy,** Divl.Ct. [1952] 2 Q.B. 719; [1952] 2 All E.R. 144.

Committal for trial

Signature

Charge against incorporated company—Indictable offence—Order by justices for committal for trial—Committal order signed by chairman—Whether seal of court necessary—Stamp of court.
Rex v. Wolverhampton Deputy Recorder; *ex parte* **Director of Public Prosecutions,** Divl.Ct. [1951] W.N. 154; [1951] 1 T.L.R. 478; [1951] 1 All E.R. 627.

Summons alleging indictable offence only

Duty to commit. **Rex v. Holdsworthy Justices.** *Ex parte* **Edwards,** Divl.Ct. [1952] W.N. 86; [1952] 1 T.L.R. 410; [1952] 1 All E R. 411.

Committal to quarter sessions. (*See also* **Appeal to quarter sessions.**)

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Desirability of committal under section 29—Criminal Justice Act, 1948, ss. 20, 29.
Practice Note, C.C.A. [1952] W.N. 352; [1952] 2 T.L.R. 67.

Young person—Desirability of committal under section 29—Magistrates' Courts Act, 1952, ss. 28, 29. **Reg. v. Dangerfield,** C.C.A. [1960] 1 W.L.R. 268.

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Costs. (*See also* **Appeal**; COSTS; CROWN PRACTICE.)

Penalty in guise of costs

Order for costs exceeding costs of prosecution.
Regina v. Highgate Justices. *Ex parte* **Petrou,** Divl.Ct. [1954] 1 W.L.R. 485.

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Discharge

Trifling offence

Duty of justices to convict—Food and Drugs Act, 1938, s. 3.
Evans v. Jones, Divl.Ct. [1953] 1 W.L.R. 1056.

Election to go for trial

Indictable offence triable summarily

Application by prosecutor for summary trial—No formal application—Plea taken by justices' court—Facts stated by prosecution—Whether implied application by prosecutor for summary trial—Magistrates' Courts Act, 1952, s. 18 (1) (2).
Ex parte **Rigby,** Divl.Ct [1958] 1 W.L.R. 843.

Consent to summary trial—Conviction by justices and committal to quarter sessions for sentence—Failure to explain to defendant that he might be committed to quarter sessions—Conviction and committal a nullity—Summary Jurisdiction Act, 1879, s. 17—Criminal Justice Act, 1925, s. 24—Criminal Justice Act, 1948, s. 29, Sch. 9.
Reg. v. Kent Justices. *Ex parte* **Machin,** Divl.Ct. [1952] 2 Q.B. 355; [1952] 1 All E.R. 1123.

———————— Magistrate's right to allow accused to withdraw consent—Power of court to proceed to inquire as examining justices—Magistrates' Courts Act, 1952, ss. 19 (5), 24. **Reg. v. Craske.** *Ex parte* **Metropolitan Police Commissioner,** Divl.Ct. [1957] 2 Q.B. 591; [1957] 3 W.L.R. 308.

———————— ————————

Whether he had begun to try information—Prosecution witness heard—Magistrates' Courts Act, 1952, ss. 19 (5), 24.
Reg. v. Bennett, *Ex parte* **Radburn,** Lord Parker C.J. [1960] 1 W.L.R. 102.

Defendant's consent to summary trial—No formal application by prosecutor for summary trial—Conviction—Regularity—Criminal Justice Act, 1948, s. 28 (1).
James v. Bowkett, Divl.Ct. [1952] W.N. 341; [1952] 2 T.L.R. 100; [1952] 2 All E.R. 320

Summary offence

Duty of justices to inform accused of right to trial by jury—Election by advocate—Magistrates' Courts Act, 1952, s. 25 (3).
Regina v. Salisbury and Amesbury Justices. *Ex parte* **Greatbatch,** Divl.Ct. [1954] 2 Q.B. 142; [1954] 3 W.L.R. 29.

Substitution of different offence—Summary Jurisdiction Act, 1879, s. 17—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2).
Regina v. Phillips, C.C.A. [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868.

Evidence. *See* CRIME.

Examining justices

Case stated

No power to state case—Summary Jurisdiction Act, 1879.
Card v. Salmon, Divl.Ct. [1953] 1 Q.B. 392; [1953] 2 W.L.R. 301.

Evidence

Effect of inadmissible evidence on committal order—Witness arrested with prisoner but later released—Competence—Indictable Offences Act, 1848, s. 17.
Regina v. Norfolk Quarter Sessions. *Ex parte* **Brunson,** Divl.Ct. [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294.

Fine or penalty

National Insurance contribution

Failure to pay—Order for arrears—Jurisdiction to mitigate payment of arrears—"Recoverable as a penalty"—National Insurance (Contributions) Regulations, 1948, reg. 19 (5)—Magistrates' Courts Act, 1952, s. 27 (1).
Leach v. Litchfield, Divl.Ct. [1960] 1 W.L.R. 1392.

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Information

Duplicity

Town and country planning—Enforcement notice—Information alleging contravention of notice. **Godstone Rural District Council v. Brazil,** Divl.Ct. [1953] 1 W.L.R. 1102.

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Milk adulteration—Food and Drugs Act, 1938, s. 83 (3).
Challand v. Bartlett, Divl.Ct. [1953] 1 W.L.R. 1105.

Information or complaint

Control of dog—Whether proceedings instituted by information or complaint—Dogs Act, 1871, s. 2—Magistrates' Courts Act, 1952, ss. 42, 100 (1).
Reg. v. Nottingham Justices. *Ex parte* **Brown,** Divl.Ct. [1960] 1 W.L.R. 1315.

Particulars

Purchase tax—Taking steps with a view to fraudulent evasion—Form of information in criminal proceedings before justices—Particulars of offence necessary—Finance Act, 1944, s. 17 (1)—Criminal Justice Act, 1925, s. 32 (1) (3).
Robertson v. Rosenberg, Divl.Ct. [1951] W.N. 97; [1951] 1 T.L.R. 417.

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Information—*continued.*

Sufficiency

Failure to pay "statutory minimum remuneration . . . contrary to section 11 of the "Wages Councils Act, 1945"—Complexity of Order laying down statutory minimum remuneration—Insufficient information as to nature of charge.
Stephenson v. Johnson, Divl.Ct. [1954] 1 W.L.R. 375.

Jurisdiction. (*See also* **Quarter sessions.**)

Assault

County court bailiff serving default summons—"Process"—"Execution under the process of any court"—Offences against the Person Act, 1861, ss. 42, 46—County Courts Act, 1934, s. 31. **Rex v. Holsworthy Justices.** *Ex parte* **Edwards,** Divl.Ct. [1952] W.N. 86; [1952] 1 T.L.R. 410; [1952] 1 All E.R. 411.

Functi officio

Plea of guilty followed by fine—Accused recalled and acquitted—Whether justices have jurisdiction so to act—Whether functi officio.
Morton v. Chaney, Divl.Ct. [1960] 1 W.L.R. 1312.

Licensing. See LICENSING.

Territorial. (See also INFANT.)

Carriage outside 25 mile limit—No power of magistrate through whose jurisdiction vehicle passed to try case—Summary Jurisdiction Act, 1879, s. 46 (3)—Transport Act, 1947, ss. 52, 125. **A. F. Wardhaugh Ltd. v. Mace,** Divl.Ct. [1952] W.N. 305; [1952] 2 All E.R. 28.

Juvenile court. (*See also* **Appeal to quarter sessions.**)

Constitution

Member unable to sit—Adoption application heard by two male justices—Woman justice given notice to attend—No evidence whether absence of woman justice unforeseen—Whether court properly constituted—Juvenile Court (Constitution) Rules, 1954, rr. 11, 12 (1) (3). *In re* **J. S. (An Infant),** Roxburgh J. [1959] 1 W.L.R. 1218.

Licensing. *See* **Bias;** LICENSING.

Nemo bis vexare debet. *See* NEMO BIS VEXARE DEBET.

Peace. (*See also* **Appeal** (*Jurisdiction*).)

Recognizances to keep

Jurisdiction—Her Majesty's judges as justices—Justices of the Peace Act, 1361.
Reg. v. Sharpe. Reg. v. Johnson, C.C.A. [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472.

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Plea

Plea of guilty

Conviction and sentence—Plea subsequently changed to "Not Guilty" by permission of magistrate—Remand for re-hearing—Jurisdiction—Prohibition.
Regina v. Campbell. *Ex parte* **Hoy,** Divl.Ct. [1953] 2 Q.B. 585; [1953] 2 W.L.R. 578.

Notice to court—Notice to be read out—Magistrates' Courts Act, 1957, s. 1 (2) (ii).
Reg. v. Oldham Justices. *Ex parte* **Morrissey,** Divl.Ct. [1959] 1 W.L.R. 58.
Reg. v. Davis. *Ex parte* **Brough,** Divl.Ct. [1959] 1 W.L.R. 59n.

Plea in absence of accused—Two informations—Plea referable only to second information—Non-appearance of accused—Conviction on both informations—Certiorari—Magistrates' Courts Act, 1957, s. 1 (1)—Magistrates' Courts Rules, 1957, r. 1, Sch.
Reg. v. Burnham, Bucks Justices. *Ex parte* **Ansorge,** Divl.Ct. [1959] 1 W.L.R. 1041.

Quarter sessions. (*See also* **Appeal; Case stated.**)

Jurisdiction

Power to set aside own orders.
Regina v. County of London Quarter Sessions Appeals Committee. *Ex parte* **Rossi,** C.A. [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800.

Sentence—Borstal training—Whether jurisdiction in addition to disqualify from driving—Criminal Justice Act, 1948, s. 20 (5) (*a*)—Magistrates' Courts Act, 1952, s. 28.
Reg. v. Dangerfield, C.C.A. [1960] 1 W.L.R. 268.

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Jurisdiction

Summary offence not punishable by a sentence of imprisonment—Remand for medical report—Power of magistrates' court to remand in custody—Magistrates' Courts Act, 1952, ss. 14 (3) (4), 26 (1), 105 (1) (*a*).
Boaks v. Reece, Pilcher J. [1956] 1 W.L.R. 886.
C.A. [1957] 1 Q.B. 219; [1956] 3 W.L.R. 1126.

Shorthand writer

Retirement with justices

Shorthand writer's presence required to read note of part of the evidence to justices—Sentence—Regularity. **Regina v. Welshpool Borough Justices.** *Ex parte* **Holley.** **Divl.Ct. [1953] 2 Q.B. 403; [1953] 3 W.L.R. 583.**

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Submission of no case

Application by prosecution to call further evidence

Dangerous driving—Prosecution's omission of evidence identifying defendant as driver—Prosecution's case closed—Justices' refusal to allow case to be reopened—Whether judicial exercise of discretion—Road Traffic Act, 1930, s. 11.
Middleton v. Rowlett, Divl.Ct. [1954] 1 W.L.R. 831.

Summons

Issue of

Decision as to appropriate charge—Whether matter for justices or prosecution—Police applying for summons for careless driving—Justices insisting on summons for dangerous driving—Road Traffic Act, 1930, ss. 11, 12.
Regina v. Nuneaton Justices. *Ex parte* **Parker,** Divl.Ct. [1954] 1 W.L.R. 1318.

Obscene publications—Summons issued ten months after special warrant—Whether proceedings in time—Whether justices obliged to issue summons—Summary Jurisdiction Act, 1848, s. 11—Obscene Publications Act, 1857, s. 1.
Cox v. Stinton, Divl.Ct. [1951] 2 K.B. 1021; [1951] 2 T.L.R. 728; [1951] 2 All E.R. 637.

Variation of order

Order for payment of money

Infant—Custody—Order for access—Variation of order by different court—Jurisdiction—Custody order including order for maintenance—Whether "order for the payment of money"—Guardianship of Infants Act, 1886, s. 5—Criminal Justice Administration Act, 1914, s. 30 (3)—Guardianship of Infants Act, 1925, ss. 3, 4—Children Act, 1948, s. 53—Guardianship and Maintenance of Infants Act, 1951, s. 1—Magistrates' Courts Act, 1952, s. 132, Sch. 6. *In re* **Dankbars,** C.A. [1954] Ch. 98; [1953] 3 W.L.R. 957.

Warrant

Bench warrant

Jurisdiction to issue—Prisoner committed on bail to quarter sessions for sentence—Failure to appear—Jurisdiction of recorder to issue warrant—Criminal Justice Act, 1948, s. 29 (3). **Reg. v. Lloyd-Jones.** *Ex parte* **Thomas,** Divl.Ct. [1958] 1 W.L.R. 1110.

Indorsement

Warrant of arrest issued in Dublin for execution in London—Endorsement pinned on to warrant—Whether valid—Indictable Offences Act, 1848, s. 12.
Reg. v. Metropolitan Police Commissioner. *Ex parte* **Melia,** Divl.Ct. [1957] 1 W.L.R. 1065.

Sunday

Observance—Search warrant—Issue of warrant to search club premises—Execution on Sunday—Whether lawfully executed—Sunday Observance Act, 1677 (29 Car. 2, c. 7), s. 6—Magistrates' Courts Act, 1952, s. 102 (3)—Licensing Act, 1953, s. 152 (1).
Magee v. Morris, Divl.Ct. [1954] 1 W.L.R. 806.

JUVENILE COURT. *See* JUSTICES.

Approved school order. *See* CHILDREN AND YOUNG PERSONS.

KENYA. *See* EASTERN AFRICA.

KING'S PEACE. *See* CRIME (**Conspiracy** (*Abroad*)); JUSTICES (**Peace**).

LABOUR BOARD

Delegation of power to suspend workers. *See* TRIBUNAL (**Statutory**).

LACHES

Constructive trust

Business

Promptness necessary in pursuing claim against a constructive trustee of a business.
In re **Jarvis, decd.,** Upjohn J. [1958] 1 W.L.R. 815.

Immovable property

Sale by auction

Action to set aside sale—Case struck out—Application to re-list—Discretion—Relevant factors—Inadequate explanation of delay—Position of bona fide purchaser for value—"Balance of justice"—West Africa.
Agbeyegbe v. Ikomo, J.C. [1953] 1 W.L.R. 263.

Sale of land

Specific performance

Contract stipulating completion within two years—Time not of the essence—Purchaser entering into possession under contract after paying deposit—Action for specific performance ten years after date of contract.
Williams v. Greatrex, C.A. [1957] 1 W.L.R. 31.

Settlement

Undue influence

Delay in setting aside—Attempt to persuade trustee to revoke under clause therein.
Bullock v. Lloyds Bank Ld., Vaisey J. [1955] Ch. 317; [1955] 2 W.L.R. 1.

LANCASTER CHANCERY COURT. (*See also* PRACTICE (**Trial:** *Venue*).)

Contempt of court

Committal order

Ex parte motion, on—Ward of court—Removal from jurisdiction—Order made on ex parte application by Court of Chancery of County Palatine of Lancaster—Ex parte application to extend order to High Court—Jurisdiction of Chancery Division—Court of Chancery of Lancaster Act, 1850, s. 15.
Bernstein v. Bernstein, Roxburgh J. [1960] Ch. 128; [1959] 3 W.L.R. 481.

LAND CHARGE. *See* LAND REGISTRATION.

LAND DRAINAGE. (*See also* PUBLIC HEALTH.)

Compensation

Spoil deposited on riparian land

Liability of river board—" Banks "—Land Drainage Act, 1930, ss. 34 (1) (3), 38 (1), 81.
Jones v. Mersey River Board, C.A. [1957] 3 W.L.R. 789.

Maintenance

Liability for repair and maintenance of drains

Whether responsibility of rural district council or county council—Local Government Act, 1929, s. 30 (1).
Att.-Gen. v. St. Ives R. D. C., Salmon J. [1960] 1 Q.B. 312; [1959] 3 W.L.R. 575.

LAND REGISTRATION

Boundaries

Certificate

New certificate issued to replace lost certificate—New certificate merely a substitute—No alteration of rights—Limitation period not commencing from date of new certificate—Conflicting statutory provisions—Construction and reconciliation—Registration of Titles Law (c. 353 of R.S. of Jamaica, 1933), ss. 67, 69.
Chisholm v. Hall, J.C. [1959] A.C. 719; [1959] 3 W.L.R. 391.

Revision

Filed plan—Boundary dispute—Division of land into plots—Transfer plan rightly showing angled boundary to purchased plot—Filed plan on land certificate showing straight boundary—Right of adjoining plot owner to have filed plan revised—Land Registration Act, 1925, ss. 19, 69, 76—Land Registration Rules, 1925, r. 284.
Lee v. Barrey, C.A. [1957] Ch. 251; [1957] 2 W.L.R. 245.

Effect of registration

Mortgage

Legal charge—Transfer and legal charge registered simultaneously—Rights of tenants in possession against chargee—Land Registration Act, 1925, ss. 20 (1), 27, 70 (1) (*g*) (*k*).
Grace Rymer Investments Ltd. v. Waite, Danckwerts J. [1958] Ch. 314; [1958] 2 W.L.R. 200; C.A. [1958] Ch. 831; [1958] 3 W.L.R. 337.

Estate contract

Vacation of register

Vendor and purchaser—Notice by vendor to purchaser to complete—Registration of land charges by purchaser against vendor — No completion by purchaser — Summons by vendor to remove land charges from register—Inappropriate procedure—Land Charges Act, 1925, s. 10 (1) (8).
In re **Engall's Agreement, Vaisey J.** [1953] 1 W.L.R. 977.

Land Charge

Estate contract

Option for new lease—Non-registration—Whether void against purchaser of reversion—Land Charges Act, 1925, ss. 10 (1), Class C (iv), 13 (2).
Beesly v. Hallwood Estates Ltd., Buckley J. [1960] 1 W.L.R. 549.

Limitation of action

Registered land

Adverse possession—Land sold under oral contract—Purchaser in possession—No conveyance to purchaser—Caution not registered—Second sale of land—Registration of title by second purchaser—Rights of first purchaser—Whether entitled to claim by adverse possession—Whether interest of first purchaser overriding interest—Necessity for caution—Land Registration Act, 1925, ss. 3 (xvi), 59 (1), (6), 69 (1), 70 (1), (*f*) (*g*), 75—Land Charges Act, 1925, s. 23—Limitation Act, 1939, ss. 7 (3) (5), 10 (1).
Bridges v. Mees, Harman J. [1957] Ch. 475; [1957] 3 W.L.R. 215.

Mortgage

Receiver

Purported appointment of receiver by mortgagee when not registered as proprietor of a charge—Land Registration Act, 1925, ss. 33, 34.
Lever Finance Ltd. v. Needleman's Trustees, Harman J. [1956] Ch. 375; [1956] 3 W.L.R. 72.

Tenant's rights

Agreement in writing before purchase to grant lease for term exceeding three years—Three years' rent paid in advance—Property subsequently purchased by mortgagor—Mortgagor registered as proprietor and building society as chargees—Priorities.
City Permanent Building Society v. Miller, C.A. [1952] Ch. 840; [1952] 2 T.L.R. 547; [1952] 2 All E.R. 621.

LAND REGISTRATION—*continued.*

Mortgage (*Tenant's rights*)—*continued.*

Letting by purchaser in possession—Subsequent completion of purchase and mortgage—Registered land—Tenancy ranking in priority to mortgage—Land Registration Act, 1925, s. 70. **Woolwich Equitable Building Society v. Marshall,** Danckwerts J. [1952] Ch. 1; [1951] 2 T.L.R. 783; [1951] 2 All E.R. 769.

——— ——— Tenant in possession before execution of mortgage—Right of tenant against mortgagees—Land Registration Act, 1925, s. 70 (1) (*g*). **Mornington Permanent Building Society v. Kenway,** Vaisey J. [1953] Ch. 382; [1953] 2 W.L.R. 859.

Practice

Leasehold possessory title

Validity of registration—Effect of non-compliance with statutory forms—Discretion of registrar—Land Registration Act, 1925, ss. 23 (1), 80, 144 (1)—Land Registration Rules, 1925, rr. 74, 121, 123, 322—Form 35. **Morelle Ld. v. Wakeling,** C.A. [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672.

Register

Rectification

First proprietor—Mistake on registration—Proprietor contributing to mistake—Jurisdiction to rectify—Factors to be considered—Land Registration Act, 1925, ss. 82 (1) (*g*) (*h*) (2) (3) (*a*) (*b*) (*c*), 83 (1) (6)—Land Registration Rules, 1925.
In re **139 Deptford High Street.** *Ex parte* **British Transport Commission,** Wynn-Parry J. [1951] Ch. 884; [1951] 1 T.L.R. 1045; [1945] 1 All E.R. 950.

Share in land

Registration

Property held on trust for sale—Purchase of share of property—No written contract—Receipt for purchase-money—Receipt registered as estate contract and general equitable charge—Interest only in proceeds of sale—Not registrable as land charge—Law of Property Act, 1925, ss. 1 (6), 42 (6)—Land Charges Act, 1925, ss. 10, Class C (iii), (iv), 20 (6), (8). *In re* **Rayleigh Weir Stadium,** Harman J. [1954] 1 W.L.R. 786.

Solicitor (costs). *See* SOLICITOR.

LANDLORD AND TENANT. (*See also* AGRICULTURE (AGRICULTURAL HOLDING).)

Act of 1927

Goodwill

Application for new lease—Whether grant reasonable—Covenant not to apply for new lease—Remodelling of premises—Landlord and Tenant Act, 1927, ss. 4, 5, 9. **Etam Ld. v. Forte,** C.A. [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719.

Application for new lease in place of compensation for goodwill—Completed proceedings not possible before expiry of old lease—Application for interim order for continuance in possession meanwhile—Landlord's undertaking not to interfere with occupation of tenant before end of proceedings—Claim to interim order on ground of prospective legislation—Landlord and Tenant Act, 1927, s. 5 (13).
British and Colonial Furniture Co. Ltd. v. William McIlroy Ltd. Maurice Lennard and Warde's Hollywood Film Star Shoes Ltd. v. Same, C.A. [1951] W.N. 87; [1951] 1 T.L.R. 295; [1951] 1 All E.R. 404.

Compensation—Application for new lease—Carrying on business for not less than five years—Title as " tenant " to be shown throughout—" Predecessors in title "—Landlord and Tenant Act, 1927, ss. 4 (1), 5, 25. **Corsini v. Montague Burton Ld.,** C.A. [1953] 2 Q.B. 126; [1953] 2 W.L.R. 1092.

——— Carrying on business for not less than five years—Sale of business within five years—Surrender of old tenancy—Grant of new tenancy—" Predecessors in title "—Landlord and Tenant Act, 1927, ss. 4 (1), 5 (1), 25. **Pasmore v. Whitbread & Co. Ld.,** C.A. [1953] 2 Q.B. 226; [1953] 2 W.L.R. 359.

——— New five year lease granted to tenant in lieu of compensation—Landlord given power to determine new lease and tenant leave to apply to court in future for compensation for unexpired residue of term—Jurisdiction of county court judge to order compensation in terms borrowed from subsection of Act not directly applicable to present facts—Landlord and Tenant Act, 1927, ss. 4, 5 (1), (2) and (5). **Lambert v. Ve-Ri-Best Manufacturing Co. Ld.,** C.A. [1954] 1 Q.B. 524; [1954] 2 W.L.R. 782.

Compensation or new lease—Alternative claims—Amount of compensation claimed not stated in notice of claim—Claim for compensation not maintainable—Claim for new lease unaffected—Landlord and Tenant Act, 1927, ss. 4, 5—R.S.C., Ord. 53D, r. 1 (*d*). **British and Colonial Furniture Co. Ltd. v. William McIlroy Ltd.,** Donovan J. [1952] 1 K.B. 107; [1951] 2 T.L.R. 1163; [1952] 1 All E.R. 12.

New lease—Rent and term—Method of assessment—Cinema—Tribunal without powers to impose condition in terms of section 5 (5)—Landlord and Tenant Act, 1927, ss. 4, 5 (5). **Rialto Cinemas Ld. v. Wolfe,** Ashworth J. [1955] 1 W.L.R. 693.

Sub-lease of premises by tenant—Resumption by tenant of possession of premises by arrangement with sub-tenant and before end of sub-tenancy—Sub-tenant not a " predecessor in title " of tenant—Landlord and Tenant Act, 1927, ss. 4 (1), 25 (1). **Williams v. Portman,** C.A. [1951] 2 K.B. 948; [1951] 2 T.L.R. 526; [1951] 2 All E.R. 539.

LANDLORD AND TENANT—*continued.*

Act of 1927—*continued.*

Improvement

Claim for compensation by tenant—Objection by landlord that improvement made "in "pursuance of a contract"—Meaning of "contract"—Practice—Procedure for testing question—R.S.C., Ord. 54A, r. 1A—Landlord and Tenant Act, 1927, ss. 2 (1) (*b*), 3 (1).
Owen Owen Estate Ld. v. Livett, Upjohn J. [1956] Ch. 1; [1955] 3 W.L.R. 1

Notice to quit

Application for new tenancy—"Within two months after service of notice"—Construction—Landlord and Tenant Act, 1927, ss. 4, 5 (1) (2).
Kerridge v. Lamdin, C.A. [1951] 1 K.B. 478; [1950] 2 All E.R. 1110.

Service of notice—Limited company tenants of business premises—Removal by company to new registered office—Notice determining tenancy sent by post to old address—Letter containing notice redirected and received by company—Whether valid service—"Place of "abode"—"Person"—Landlord and Tenant Act, 1927, ss. 23 (1), 25 (1)—Landlord and Tenant Act, 1954, ss. 25 (1), 66.
Stylo Shoes Ltd. v. Prices Tailors Ltd., Wynn-Parry J. [1960] Ch. 396; [1960] 2 W.L.R. 8.

Repair, breach of covenant to. See **Repairs** (*Covenant*).

Termination of lease

Claim for new lease—Conditions precedent to application to tribunal—"Terminated by "notice"—Whether lease terminated by notice or expiry of head lease—Action for possession by owners against sub-lessee—Landlord and Tenant Act, 1927, ss. 4, 5.
Allied Ironfounders Ltd. v. John Smedley Ltd., Devlin J. [1952] W.N. 271; [1952] 1 All E.R. 1344.

Act of 1951

Residence

By member of tenant's family—"In right of the tenancy"—Tenant holding over after expiry of long lease—Daughter occupying house under oral agreement and paying rent—Occupation not "in right of the tenancy"—Leasehold Property (Temporary Provisions) Act, 1951, s. 2 (1) (*a*).
Richmond v. McGann, Pilcher J. [1954] 1 W.L.R. 1282.

Shop

Dissolved company—Expiring tenancy—Application for new tenancy after company's dissolution—Dissolution by removal of name from register—Adjournment of application—Order restoring company to register—Validity of acts done during dissolution—Leasehold Property (Temporary Provisions) Act, 1951, s. 12—Companies Act, 1948, ss. 352, 353 (6). **Tymans Ltd. v. Craven,** C.A. [1952] 2 Q.B. 100; [1952] 1 T.L.R. 601; [1952] 1 All E.R. 613.

Expiring tenancy—Application for new tenancy—Business of builder and decorator—"Retail trade or business"—Shops Act, 1950, s. 74 (1)—Leasehold Property (Temporary Provisions) Act, 1951, ss. 10 (1) (2), 20.
M. & F. Frawley Ld. v. The Ve-Ri-Best Co. Ld., C.A. [1953] 1 Q.B. 318; [1953] 1 W.L.R. 165.

——— ——— Grocery business—Reasonable rent—Market rent—Greater hardship—Leasehold Property (Temporary Provisions) Act, 1951, ss. 10, 12. **John Kay Ltd. v. Kay,** C.A. [1952] 2 Q.B. 258; [1952] 1 T.L.R. 766; [1952] 1 All E.R. 813.

——— ——— Particulars—Required particulars not given—Leave to amend—Jurisdiction of county court—County Court Rules, 1936 (as amended in 1951), Pt. II, Ord. 40A, Form 342A—Leasehold Property (Temporary Provisions) Act, 1951, s. 10. **Osborne v. Snook,** C.A. [1953] 1 W.L.R. 322.

——— ——— "Shop"—Dairy—Retail milk round—Whether dairy a "shop"—Statute—Interpretation clause—Relevance of ordinary meaning of word—Shops Act, 1950, s. 74—Leasehold Property (Temporary Provisions) Act, 1951, s 10 (1) (2) (4). **Deeble v. Robinson,** C.A. [1954] 1 Q.B. 77; [1953] 3 W.L.R. 975.

——— ——— Shop with living accommodation—Shop carried on by company controlled by tenant—Application by tenant for new tenancy—"Occupier of a shop"—Leasehold Property (Temporary Provisions) Act, 1951, ss. 10 (1) and (2), 20 (1).
Pegler v. Craven, C.A. [1952] 2 Q.B. 69; [1952] 1 T.L.R. 586; [1952] 1 All E.R. 685.

——— ——— Termination of tenancy—Lessee holding over in occupation of shop premises after expiry of lease—Writ for possession issued against occupier as tenant at will—Application by occupier for new lease on ground that tenancy was terminated by writ—Writ not notice to quit—Leasehold Property (Temporary Provisions) Act, 1951, s. 10.
Martinali v. Ramuz, C.A. [1953] 1 W.L.R. 1196.

Meaning—Purposes of occupation—Leasehold Property (Temporary Provisions) Act, 1951, ss. 10, 12, 20. **Berthelemy v. Neale,** C.A. [1952] W.N. 92; [1952] 1 T.L.R. 458; [1952] 1 All E.R. 437.

LANDLORD AND TENANT—*continued.*

Act of 1951—*continued.*

Tenants' application for new lease

Landlords' claim that premises required for reconstruction and occupation—Leasehold Property (Temporary Provisions) Act, 1951, s. 12 (1) (3) (*c*).
J. W. Smart (Modern Shoe Repairs) Ltd. v. Hinckley and South Leicestershire Permanent Benefit Building Society, C.A. [1952] W.N. 484; [1952] 2 T.L.R. 684; [1952] 2 All E.R. 846

Act of 1954. *See* **Business premises (Security of tenure); Rent restriction** (*Repairs and rent*).

Agreement. (*See also* **Equitable tenancy.**)

Alterations

Negotiations subject to contract—Agreement to alter premises—Negotiations abortive—Claim for cost of alterations—Claim implied in law—Restitution.
Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

Seal

Freehold owned by two tenants in common—Whether competent for freeholders to grant lease by parol to themselves—"Conveyance"—"Convey"—Law of Property Act, 1925, ss. 52, 54, 72 (4), 205 (1) (ii).
Rye v. Rye, C.A. [1961] Ch. 70; [1960] 3 W.L.R. 1052.

Tenancy agreement prepared by unqualified person—Letting for 14 years determinable at the end of each year—Whether required by law to be under seal—Law of Property Act, ss. 52 and 54.
Kushner v. Law Society, Divl. Ct. [1952] 1 K.B. 264; [1952] 1 T.L.R. 424; [1952] 1 All E.R. 404.

Variation—Subsequent oral variation—Evidenced by writing and expressly acted on—Equitable rule—Lease binding as varied.
Mitas v. Hyams, C.A. [1951] 2 T.L.R. 1215.

Agricultural holding. *See* AGRICULTURAL HOLDING.

Assignment of lease or underletting. (*See also* **Restrictive covenant; Sublease.**)

Consent. (*See also* **Rent Restriction** (*Sublease*).)

Covenant not to assign or underlet without consent—Fine—Covenant not to change user of premises without consent—Compensation moneys payable to tenant by local authority—Agreement by lessors to give consent in consideration of assignment by tenant of compensation money—Whether agreement enforceable—Whether a fine—Law of Property Act, 1925, s. 144—Landlord and Tenant Act, 1927, s. 19 (3).
Comber v. Fleet Electrics Ld., Vaisey J. [1955] 1 W.L.R. 566.

——— Not to be unreasonably withheld—Landlords' refusal of leave to assign last 7½ months of five-year term—Object of assignment to occupy premises and not to obtain statute-protected tenancy—Reasonableness of refusal. **Thomas Bookman Ld. v. Nathan,** C.A. [1955] 1 W.L.R. 815.

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Refusal on grounds of superior landlords' refusal—Whether reasonable—Superior landlords not before the court—Relief—Law of Property Act, 1925, s. 56 (1).
Vienit Ltd. v. W. Williams & Son (Bread Street) Ltd., Wynn-Parry J. [1958] 1 W.L.R. 1267.

——— Tenant required within three months either to withdraw application to assign or to surrender tenancy—Whether consent unreasonably withheld—Right of parties to set up their own standard of reasonableness—Landlord and Tenant Act, 1927, s. 19 (1).
In re **Smith's Lease,** Roxburgh J. [1951] W.N. 51; [1951] 1 T.L.R. 254; [1951] 1 All E.R. 346.

Covenant not to sublet without consent—Covenant not to use premises otherwise than as a private dwelling-house—Subletting of part of demised house—User otherwise than as a private dwelling-house—Waiver of first covenant—Whether waiver of second covenant. **Downie v. Turner,** C.A. [1951] 2 K.B. 112; [1951] 1 T.L.R. 217; [1951] 1 All E.R. 416.

Proposed underletting at low rent and in consideration for substantial premium—Consent withheld—Whether unreasonable—Effect of underletting—Lessor's right of re-entry—Relief for underlessee—Bankruptcy of underlessor—Distress—Lessor's right against underlessee.
In re **Town Investments Ld. Underlease. McLaughlin v. Town Investments Ld.,** Danckwerts J. [1954] Ch. 301; [1954] 2 W.L.R. 355.

Residential flat—Covenant not to assign or underlet without consent, such consent not to be unreasonably withheld—Proviso to covenant that tenant offer to landlord surrender of lease before asking for consent to assign—Effect of proviso—Separate covenant—Whether void—Landlord and Tenant Act, 1927, s. 19 (1) (*a*).
Adler v. Upper Grosvenor Street Investment Ltd., Hilbery J. [1957] 1 W.L.R. 227.

Not to be unreasonably withheld in case of "responsible assignee"—Proposed assignee subsidiary company—Consent subject to condition of guarantee by parent company—Large loan by parent company outstanding—Repayment on demand at any time—Whether "responsible assignee"—Whether refusal of consent unreasonable.
In re **Greater London Properties Ltd.'s Lease,** Danckwerts J. [1959] 1 W.L.R. 503.

LANDLORD AND TENANT—*continued.*

Assignment of lease or underletting—*continued.*

Covenants

Assignor conveying as " beneficial owner "—Implied covenants—Nature of—Rectification —Law of Property Act, 1925, s. 76; Sch. II, Pt. II.
Butler v. Mountview Estates Ltd., Danckwerts J. [1951] 2 K.B. 563; [1951] 1 T.L.R. 524; [1951] 1 All E.R. 693.

" Not to sublet "—Construction—Subletting of part of premises—Whether breach.
Cook v. Shoesmith, C.A. [1951] 1 K.B. 752; [1951] 1 T.L.R. 194.

Not to use the premises otherwise than as " a private dwelling-house "—Sublease of top floor—Whether premises " lawfully sublet "—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (3). **Dobbs v. Linford,** C.A. [1953] 1 Q.B. 48; [1952] 2 T.L.R. 727; [1952] 2 All E.R. 827.

" No subletting allowed "—Whether subletting of part of premises a breach.
Esdaile v. Lewis, C.A. [1956] 1 W.L.R. 709.

Effect of assignment

Covenant by tenant to pay £x in lieu of repairs at end of lease.
Boyer v. Warbey, C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

Judgment for possession—Sale of property—Assignment of property to company without benefit of judgment—Whether company entitled to enforce order for possession—County Court Rules, 1936, Ord. 25, r. 6.
Chung Kwok Hotel Co. Ltd. v. Field, C.A. [1960] 1 W.L.R. 1112.

Landlord's rights against original tenant and assignee.
In re **House Property and Investment Co. Ld.,** Roxburgh J. [1954] Ch. 578; [1953] 3 W.L.R. 1037.

Option to purchase. See **Option to purchase.**

Break clause. *See* **Business premises; Option.**

Business premises (Hong Kong).

Acquisition under Metropolitan Paving Act, 1817

" Expiration of term "—Landlord and Tenant Act, 1954, ss. 24, 64.
Pearl v. London County Council, C.A. [1961] 1 Q.B. 287; [1960] 3 W.L.R. 881.

Claim to possession

" Entirely new buildings "—Excluded from operation of Act—Test of " new building "—Estoppel—Cannot be founded on representation of law—Landlord and Tenant Ordinance (Hong Kong), No. 25 of 1947, s. 3 (1) (*a*).
Kai Nam v. Ma Kam Chan, J.C. [1956] A.C. 358; 2 W.L.R. 767.

Business premises (Security of tenure). (*See also* **Acts of 1927 and 1951.**)

Break clause

Notice to determine terms—Whether notice effective—Landlord and Tenant Act, 1954, s. 24. **Weinbergs Weatherproofs Ltd. v. Radcliffe Paper Mill Co. Ltd.,** Harman J. [1958] Ch. 437; [1958] 2 W.L.R. 1.

" *Business.*" (*See also Occupation.*)

Flats—Premises sublet as flats—Whether subletting of flats a " business " within Act—Landlord and Tenant Act, 1954, s. 23 (1), (3).
Bagettes Ld. v. G. P. Estates Ld., Wynn-Parry J. [1955] 3 W.L.R. 602 C.A. [1956] Ch. 290; [1956] 2 W.L.R. 773.

Hospitals board of governors—Premises to be sold with vacant possession to Minister of Health for hospital uses—Whether intended occupation by board as agents of Minister for his business—Status of board affecting nature of occupation—" Business " of board—National Health Service Act, 1946, ss. 12 (3), 13 (1), 14—Landlord and Tenant Act, 1954, ss. 23 (2), 30 (1) (*g*), 57.
Hills (Patents) Ld. v. University College Hospital Board of Governors. C.A. [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523.

Members' club—" Any activity carried on by a body of persons, whether corporate or " unincorporate "—Lawn tennis club occupying clubhouse and tennis courts under agreement—Interest of occupiers—Whether tenants or licensees—Club registered under Industrial and Provident Societies Act, 1893, to carry on business of lawn tennis club—Whether business tenancy—Landlord and Tenant Act, 1954, Part II, s. 23 (2).
Addiscombe Garden Estates Ltd. v. Crabbe, Hilbery J., C.A. [1957] 3 W.L.R. 980; [1957] 2 W.L.R. 964; [1957] 2 Q.B. 615.

" *Competent landlord* "

Shop and dwelling-house let together—Premises within Rent Acts—Sublease of part of shop—Application by subtenant for new tenancy—Notice of objection by tenant as immediate " landlord "—Notice to quit by superior landlord—Whether statutory tenant " landlord " for purposes of Act of 1954—Whether proceedings properly constituted—Landlord and Tenant Act, 1954, s. 44.
Piper v. Muggleton, C.A. [1956] 2 Q.B. 569; [1956] 2 W.L.R. 1093.

Tenant and mesne landlord holding over under Act of 1954—Whether " competent land-" lord "—Landlord and Tenant Act, 1954, ss. 30, 44 (1), Sch. 6 (1).
Cornish v. Brook Green Laundry Ltd., C.A. [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215.

LANDLORD AND TENANT—*continued.*

Business premises (Security of tenure)—*continued.*

Costs

Application to county court to settle terms of new tenancy—Discretion.
Harewood Hotels Ltd. v. Harris, C.A. [1958] 1 W.L.R. 108.

———— Terms settled more in accordance with landlord's proposals—Landlord ordered to pay half of tenant's costs —Improper exercise of discretion—Landlord and Tenant Act, 1954, s. 35.
Le Witt v. Brookes, C.A. [1956] 1 W.L.R. 1438.

County court jurisdiction. See COUNTY COURT.

Decontrolled premises

Notice to quit—Validity—Notice given in November, 1956, expiring November, 1957—Premises within Rent Acts when notice given—"Decontrolled" July, 1957—Landlord and Tenant Act, 1954, control applicable thereafter—Notice not in form prescribed by Act—Landlord and Tenant Act, 1954, ss. 24 (3) (*b*), 43 (1)—Rent Act, 1957, s. 11, Sch. 4, paras. 2, 11. **Brown v. Jamieson,** C.A. [1959] 1 Q.B. 338; [1959] 2 W.L.R. 156.

Discretion to grant new tenancy

Application for new tenancy—Landlord's notice of opposition, alleging breaches of covenant to repair—Contract for sale of tenant's interest, including any granted under Act, to third party—Breaches of covenant proved—Nature of judge's discretion to grant new tenancy—Irrelevance of contractual arrangement—Whether rehearing appropriate—Misdirection not vitiating conclusion—Landlord and Tenant Act, 1954, s. 30 (1) (*a*).
Lyons v. Central Commercial Properties London Ltd., C.A. [1958] 1 W.L.R. 869.

Dual proceedings

Notice to determine tenancy—Application to county court for new tenancy—Subsequent commencement of High Court action disputing validity of notice—Adjournment of county court proceedings—Landlord and Tenant Act, 1954, ss. 24 (1), 25 (1).
Airport Restaurants Ltd. v. Southend Corporation, C.A. [1960] 1 W.L.R. 880.

"*Holding, The.*" *See Landlord's intention to occupy; Occupation.*

"*Landlord.*" *See* "*Competent landlord.*"

Landlord's intention to occupy

Discovery—Cross-applications—Tenants' balance sheets and profit and loss accounts during tenancy—Landlord's income tax returns and pass sheets—Materiality—Theatre —Landlord and Tenant Act, 1954, s. 30 (1) (*a*) (*c*) (*g*).
In re **St. Martin's Theatre,** Danckwerts J. [1959] 1 W.L.R. 872.

———— Fixity of intention—Undertaking by landlord—Whether tenant entitled to discovery—Whether special circumstances—Landlord and Tenant Act, 1954, s. 30 (1) (*g*).
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Intention—How shown—Landlord and Tenant Act, 1954, s. 30 (1) (*g*).
Espresso Coffee Machine Co. Ltd. v. Guardian Assurance Co. Ltd., Harman J. [1958] 1 W.L.R. 900.
C.A. [1959] 1 W.L.R. 250.

Intention to grant lease to beneficiary under discretionary trusts—Whether right of tenant displaced—"Beneficiaries under the trust or any of them"—Landlord and Tenant Act, 1954, ss. 30 (1) (*g*), 41 (2).
Frish Ld. v. Barclays Bank Ld., C.A. [1955] 2 Q.B. 541; [1955] 3 W.L.R. 439.

"Interest of landlord" by purchase or creation—"Landlord" at time when request made—Landlord and Tenant Act, 1954, ss. 30 (1) (*g*), (2), 44.
Diploma Laundry Ld. v. Surrey Timber Co. Ld., C.A. [1955] 2 Q.B. 604; [1955] 3 W.L.R. 404.

Meaning of "the holding"—Notice of opposition to new tenancy accordingly—Landlords' subsequent intention to demolish and reconstruct—Sufficiency of landlords' notice—Landlord and Tenant Act, 1954, ss. 23 (3), 30 (1) (*f*) (*g*).
Nursey v. P. Currie (Dartford) Ltd., C.A. [1959] 1 W.L.R. 273.

Purchase within five years—Meaning of "purchased"—Interest of landlord merged in freehold landlord's interest within five years of end of current lease—Whether landlord's interest "purchased"—Intention of company—How shown—Landlord and Tenant Act, 1954, s. 30 (1) (*g*), (2).
H. L. Bolton (Engineering) Co. Ltd. v. T. J. Graham & Sons Ltd. C.A. [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804.

———— ———— Meaning of "created"—"Termination of the current tenancy"—Meaning—Landlord and Tenant Act, 1954, ss. 24, 25, 30 (1) (*g*) (2), 31, 33, 64.
Frederick Lawrence Ltd. v. Freeman, Hardy & Willis Ltd., C.A. [1959] Ch. 731; [1959] 3 W.L.R. 275.

Landlord's intention to reconstruct

Building lease—Premises partially reconstructed after bomb damage—Landlords requiring possession for reconstruction—Agreement by landlords to grant building lease to third party—Building lessee to demolish and wholly reconstruct premises in accordance with landlords' requirements—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Gilmour Caterers Ltd. v. St. Bartholomew's Hospital Governors, C.A. [1956] 1 Q.B. 387; [1956] 2 W.L.R. 419.

LANDLORD AND TENANT—*continued.*

Business premises (Security of tenure) (*Landlord's intention to reconstruct*)—*continued.*

Demolition—Landlord's intention to demolish—Whether intention merely ancillary to intention to relet—Right of landlord to possession—Landlord and Tenant Act, 1954, s. 30 (1) (*f*). **Craddock v. Hampshire County Council,** C.A. [1958] 1 W.L.R. 202.

——— Landlords' intention to demolish premises and reconstruct for own occupation—Right of landlords to possession—Landlord and Tenant Act, 1954, ss. 30 (1) (*f*) (*g*), (2), 31 (1).
Fisher v. Taylors Furnishing Stores Ltd., C.A. [1956] 2 Q.B. 78; [1956] 2 W.L.R. 985.

——— Fixity of intention—Undertaking by landlord—Whether tenant entitled to discovery—Whether special circumstances—Landlord and Tenant Act, 1954, s. 30 (1) (*g*).

Discovery—Landlord's intention to demolish or reconstruct—Landlord and Tenant Act, 1954, s. 30 (1) (*f*). **Wine Shippers (London) Ltd. v. Bath House Syndicate Ltd.,**
Buckley J. [1960] 1 W.L.R. 613.
C.A. [1960] 1 W.L.R. 989.

Fixed and genuine intention—Relevant time of landlord's intention to reconstruct—Relevance of undertaking given by counsel on behalf of landlord at hearing—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Betty's Cafés Ltd. v. Phillips Furnishing Stores Ltd.,
Danckwerts J. [1957] 1 W.L.R. 799.

Land leased as car park by a corporation—Application for new tenancy—Landlord's intention to carry out substantial work of construction not supported at date of hearing by proof of ability to carry out work—Development dependent on third party—Intention not sufficiently established—New tenancy granted—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Reohorn v. Barry Corpn., C.A. [1956] 1 W.L.R. 845.

Landlord requiring possession for reconstruction—Reconstruction not primary purpose—"Substantial part" of premises a question of fact—Landlord and Tenant Act, 1954, s. 30 (1) (*f*), (*g*), (2).
Atkinson v. Bettison, C.A. [1955] 1 W.L.R. 1127.

"Reconstruct"—Proof of intention to change identity of business premises—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Percy E. Cadle & Co. Ltd. v. Jacmarch Properties Ltd.,
C.A. [1957] 1 Q.B. 323; [1957] 2 W.L.R. 80.

"Substantial part of premises"—Meaning—Totality of proposed work to be considered—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Bewlay (Tobacconists) Ltd. v. British Bata Shoe Co. Ltd., C.A. [1959] 1 W.L.R. 45.

"Substantial work of reconstruction"—Meaning—Landlord and Tenant Act, 1954, s. 30 (1) (*f*). **Joel v. Swaddle,** C.A. [1957] 1 W.L.R. 1094.

Public interest—Sale of reversion to local authority—Application to Minister for certificate of change of use—Notice to tenants within two months of tenants' request—Effect pending grant of certificate—Landlord and Tenant Act, 1954, ss. 26, 57 (1), (4) (*b*).
X.L. Fisheries Ld. v. Leeds Corporation, C.A. [1955] 2 Q.B. 636; [1955] 3 W.L.R. 393.

Quarterly tenancy—Claim for new lease or compensation—Tenant holding over during negotiations—No statutory protection—Landlord and Tenant Act, 1954, ss. 23, 24, 25, 43, 69.
Wheeler v. Mercer, H.L.(E.) [1957] A.C. 416; [1956] 3 W.L.R. 841.

Time of intention—Meaning of "intends"—Landlord and Tenant Act, 1954, ss. 30 (1) (*f*), 33.
Fleet Electrics Ltd. v. Jacey Investments Ltd., C.A. [1956] 1 W.L.R. 1027.

——— Meaning of "intention"—Meaning of "proposals"—Landlord's intention to occupy for own purposes—Whether bar to relief—Landlord and Tenant Act, 1954, ss. 26 (6), 30 (1) (*f*) (*g*), 31 (1).
Betty's Cafés Ltd. v. Phillips Furnishing Stores Ltd.,
Danckwerts J. [1956] 1 W.L.R. 678.
C.A. [1957] Ch. 67; [1956] 3 W.L.R. 1134.
H.L.(E.) [1959] A.C. 20; [1958] 2 W.L.R. 513.

Limitation

Application for new tenancy—Summons naming wrong respondents—Application to amend—Amended summons served out of time—Effect on vested rights—Whether amendment proper—Landlord and Tenant Act, 1954 (2 & 3 Eliz. 2, c. 56), s. 29 (3)—R.S.C., Ord. 53D, r. 3 (2).
In re **Nos. 55 & 57 Holmes Road, Kentish Town,** Harman J. [1958] 2 W.L.R. 975.

Notice of opposition to new tenancy

Form—Application for new tenancy on terms proposed by tenants—Failure of landlord to state in his notice of opposition whether or not he objected to proposed new terms—No agreement in writing as to terms of new tenancy—Landlord appearing with evidence as to valuation at hearing—Duty of court to determine on evidence reasonability of new terms as to duration and rent—Whether parties' documents on application for new tenancy to be treated as pleadings—Landlord and Tenant Act, 1954, ss. 29 (1), 33, 34.
Morgan v. Jones, C.A. [1960] 1 W.L.R. 1220.

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Business premises (Security of tenure)—*continued.*

——— Notice by joint landlords of intention to demolish and reconstruct the "whole of "the" premises—Application to court for new tenancy—Death of one landlord—Hearing of application before grant of probate—Evidence by surviving landlord and named executor of intention to demolish and reconstruct substantial part of premises—Sufficiency of landlords' objection—Competence of witnesses—Landlord and Tenant Act, 1954, ss. 25 (1) (6), 26 (6), 30 (1) (*f*). **Biles v. Caesar,** C.A. [1957] 1 W.L.R. 156.

Notice to quit. (*See also* **Act of 1927.**)

Form. **London County Council v. Farren,** C.A. [1956] 1 W.L.R. 1297.

Form—Notice of intention to demolish premises—No reference to requirement of possession in notice—Application to court for new tenancy—Sufficiency of notice—Landlord and Tenant Act, 1954, ss. 25 (1), 30 (1) (*f*).
Bolton's (House Furnishers) Ltd. v. Oppenheim, Danckwerts J. [1959] 1 W.L.R. 685.
C.A. [1959] 1 W.L.R. 913.

——— Yearly tenancy—Validity of notice—Landlord and Tenant Act, 1954, s. 25.
Rhyl Urban District Council v. Rhyl Amusements Ltd., Harman J. [1959] 1 W.L.R. 465.

Occupation for purposes of tenant's business. (*See also* "*Business.*")

"Mock auction" room used only in summer season—Business carried on by third party as tenant's "manager" under fictitious agreement—Premises vacated by "manager" at close of season—Application for new tenancy—Whether premises within Act of 1954—Landlord and Tenant Act, 1954, ss. 23 (1), 24 (1).
Teasdale v. Walker, C.A. [1958] 1 W.L.R. 1076.

Part of premises sub-let on furnished tenancy—Part temporarily occupied in connection with business—Whether occupation by tenant—Date of designation of property constituting holding—Whether court should investigate purpose of occupation—Landlord and Tenant Act, 1954, ss. 23 (3) and 32 (1).
Narcissi v. Wolfe, Roxburgh J. [1960] Ch. 10; [1959] 3 W.L.R. 431.

Statutory extension of tenancy pending proceedings

Application for new tenancy refused—Appeal dismissed—Leave to appeal to House of Lords refused—Continuation of tenancy until application "finally disposed of"—Until expiry of time for application to House of Lords for leave to appeal—Landlord and Tenant Act, 1954, s. 64. **Austin Reed Ltd. v. Royal Insurance Co. Ltd. (No. 2),** **Harman J.** [1956] 1 W.L.R. 1339.

Tenancy at will

Tenant holding over in 1953 pending conclusion of negotiations for new lease—Demand for possession by landlord in 1955—Holding over during negotiations held a tenancy at will—Tenancy at will of business premises protected by Act—Landlord required to terminate tenancy in accordance with statutory provisions—Landlord and Tenant Act, 1954, ss. 23, 24, 25 (1) (2) (3) (4), 43, 69.
Wheeler v. Mercer, C.A. [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714.

Terms of new tenancy

Collateral term—Right to display advertising signs under existing tenancy—Whether term of tenancy—Whether right to be included in new lease—Jurisdiction of court—Landlord and Tenant Act, 1954, s. 35.
In re **No. 1, Albemarle St.,** Upjohn J. [1959] 2 W.L.R. 171.

Date of commencement—Date of termination of current tenancy—Term—Break to review rent—Guard against inflation—Landlord and Tenant Act, 1954, ss. 24, 25, 26, 64.
In re **No. 88, High Road, Kilburn,** Wynn-Parry J. [1959] 1 W.L.R. 279.

Duration—Court's discretion—Landlords unable to establish as of right any ground for opposing grant of new tenancy—Duration of new tenancy determined by court—Court's discretion to order grant of "such a tenancy as may be determined by the court to be reasonable in all circumstances"—Whether court precluded from considering "in all the circumstances" such grounds of opposition as landlords fail to establish as of right—Court's discretion unfettered—Landlord and Tenant Act, 1954, ss. 30 (1) (2), 31, 33.
Upsons Ld. v. E. Robins Ld., C.A. [1956] 1 Q.B. 131; [1955] 3 W.L.R. 584.

——————— Request by tenants in prescribed form for new tenancy "on terms of current lease"—Current lease for seven years—Whether "terms" in Act of 1954 includes duration—Duration by implication sufficient—Validity of request—Landlord and Tenant Act, 1954, ss. 24 (1), 26 (3) (5), 29 (3), 35.
Sidney Bolsom Investment Trust Ltd. v. E. Karmios & Co. (London) Ltd.,
C.A. [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625.

Rent—Hotel—Rent at which holding might "reasonably be expected to be let in open "market by willing lessor"—Evidence as to hotel's profits in previous years—Admissible as indication of earning capacity to potential lessee—Landlord and Tenant Act, 1954, s. 34. **Harewood Hotels Ltd. v. Harris,** C.A. [1958] 1 W.L.R. 108.

Restriction on existing user of premises imposed by county court judge—No evidence to justify restriction of user—Intention of Act—Improper exercise of discretion to determine terms of new lease—Landlord and Tenant Act, 1954, ss. 23, 35.
Gold v. Brighton Corporation, C.A. [1956] 1 W.L.R. 1291.

Transitional effect of Act

Contractual provisions for determination of tenancy at end of seventh and fourteenth year—Notice to quit given by landlord before and expiring after coming into operation

LANDLORD AND TENANT—*continued.*

Business premises (Security of tenure) (*Transitional effect of Act*)—*continued.*

of Act—Second notice to quit in prescribed form given by landlord after the contractual date for first break—Contractual tenancy determined by first notice—"Business statutory tenancy"—Date of termination specified in notice not earlier than the earliest date on which apart from the Act the tenancy could have been brought to an end—Landlord and Tenant Act, 1954, ss. 23, 24, 25.
Castle Laundry (London) Ld. v. Read, Sellers J. [1955] 1 Q.B. 586; [1955] 2 W.L.R. 943.

Notice to quit—Validity—Notice given on August 31, 1954, expiring October 4—Regulations, prescribing form of notice under Act brought into operation on August 27—Act coming into force October 1—Notice not in prescribed form—Landlord and Tenant (Notices) Regulations, 1954—Landlord and Tenant Act, 1954, ss. 23, 24 (1), (3) (*b*), 25, 66, 68 (2); Sch. 9.
Orman Brothers Ld. v. Greenbaum, Devlin J. [1954] 1 W.L.R. 1520
C.A. [1955] 1 W.L.R. 248.

"Proceedings pending"—Application for a new lease—Application dismissed by county court judge on June 25, 1954—Appeal—Whether "proceedings pending" under Act of 1927 on October 1, 1954—Landlord and Tenant Act, 1954, Sch. IX, para. 8.
Etam Ld. v. Forte, C.A. [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719.

Covenant. (*See also* **Assignment of lease or underletting; Rent restriction** (*Implied covenant*); **Repairs; Restrictive covenant.**)

Central heating installation

Block of flats—Covenant by landlord to supply hot water and central heating—Whether right or privilege known to law—Lease—Conveyance of land—Law of Property Act, 1925, s. 62.
Regis Property Co. Ltd. v. Redman, C.A. [1956] 2 Q.B. 612; [1956] 3 W.L.R. 95.

Central refrigeration installation

Block of flats—Provision of motive power—Refrigerator sole provision for food storage—Liability of landlord—Terms of tenancy agreement—Tenant to have "use of fixtures "and fittings" of landlord—Covenant for quiet enjoyment.
Penn v. Gatenex Co. Ltd., C.A. [1958] 2 Q.B. 210; [1958] 2 W.L.R. 606.

Covenant for quiet enjoyment. (*See also* **Eviction.**)

Demise of lock-up shop—Scaffolding erected in front of demised premises by landlord—Breach of covenant. **Owen v. Gadd,** C.A. [1956] 2 Q.B. 99; [1956] 2 W.L.R. 945.

Easement—Use of adjoining premises—Whether implied covenant to put tenant in possession of demised premises—Whether excluded by express covenant for quiet enjoyment—Interruption by person outside scope of express covenant.
Miller v. Emcer Products Ltd., C.A. [1956] Ch. 304; [1956] 2 W.L.R. 267.

Covenants by landlord

Whether liable before entry. **Attorney-General v. Parsons,** C.A. [1955] Ch. 664; [1955] 3 W.L.R. 29.
(H.L.(E.) [1956] A.C. 421; [1956] 2 W.L.R. 153).

Notice of breach

Form—Whether insertion of allegation of breach of non-existent covenant invalidates notice—Claim for damages—Law of Property Act, 1925, s. 146 (1)—Leasehold Property (Repairs) Act, 1938, s. 1 (1) (as amended by the Landlord and Tenant Act, 1954, s. 51).
Silvester v. Ostrowska, Percy Lamb, Q.C., Official Referee [1959] 1 W.L.R. 1060.

Restrictions on user. See **Restrictive covenant.**

Water rate

Liability of tenant—Covenant by tenant "to pay all existing and future rates . . . "imposed upon the demised premises"—Whether "rates" include water rates.
King v. Cave-Browne-Cave, McNair J. [1960] 2 Q.B. 222; [1960] 3 W.L.R. 204.

Crown lease

Requisition of demised property

Whether tenant "evicted"—Liability for rent during requisition.
Commissioners of Crown Lands v. Page, C.A. [1960] 2 Q.B. 274; [1960] 3 W.L.R. 446.

Encroachment

Tenant's occupation of landlord's adjoining demised premises

Occupation as tenant with acquiescence of landlord—Tenant's liability for repairs in respect of adjoining land.
Perrott (J. F.) & Co. Ltd. v. Cohen, C.A. [1951] 1 K.B. 705.

Equitable tenancy

Holding over under agreement

Agreement subject to condition precedent—Condition unfulfilled by tenant—Whether tenant has equitable tenure.
Cornish v. Brook Green Laundry Ltd., C.A. [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215.

"Eviction." (*See also* **Forfeiture.**)

Constituents

Permanence—Intention—Wrongful—Crown lease—Requisition of demised property by Crown—Whether breach of covenant for quiet enjoyment—Whether such covenant implied.
Commissioners of Crown Lands v. Page, C.A. [1960] 2 Q.B. 274; [1960] 3 W.L.R. 446.

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Forfeiture of lease. (*See also* **Rent Restriction** (*Possession Application*).)

Mortgage

Relief for underlessee—"Underlessee"—Agreement to execute legal charge—Whether mortgagee an "underlessee"—Assignment of lease—Guarantee for sum lent by bank to assignee—Deposit of documents relating to the property by assignee with guarantor—Bankruptcy of assignee—Action by landlord against trustee in bankruptcy and assignee for forfeiture—Intervention in action by guarantor—Application under Law of Property Act, 1925, for order vesting property in guarantor—Law of Property Act, 1925, ss. 87 (1), 146 (4) (5) (*d*). *In re* **Good's Lease,** Harman J. [1954] 1 W.L.R. 309.

Relief from forfeiture

Effect of forfeiture pending relief.
Driscoll v. Church Commissioners for England, C.A. [1957] 1 Q.B. 330; [1956] 3 W.L.R. 996.

Forfeiture by operation of law—Whether section applicable—Law of Property Act, 1925, s. 146. **Warner v. Sampson,** Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212.

Lease of Crown land—"Special conditions"—Breach—Whether "covenants" or "conditions of defeasance"—Relief from forfeiture—Jurisdiction of court—Principles applicable in granting relief—Crown Lands Ordinance, 1915 (Laws of Kenya, 1948, s. 155), s. 83—Registration of Titles Ordinance, 1919 (Laws of Kenya, 1948, c. 160), ss. 20, 21; Sch. I, form B. (1).
Bashir v. Commissioner of Lands, J.C. [1960] A.C. 44; [1959] 3 W.L.R. 996.

Payment of arrears of rent and costs—Tenants previously in arrear—Premises used for indecent assaults on boys—Supreme Court of Judicature (Consolidation) Act, 1925, s. 46. **Gill v. Lewis,** C.A. [1956] 2 Q.B. 1; [1956] 2 W.L.R. 962.

Sub-tenant, granted to—No longer term granted to him than own sub-lease—Law of Property Act, 1925, s. 146 (4).
Factors (Sundries) v. Miller, C.A. [1952] 2 T.L.R. 194; [1952] 2 All E.R. 630.

Repudiation of landlord's title

Action by landlord for possession—General denial of statement of claim in defence—No affirmative setting up of adverse title—Whether general denial creates forfeiture—Defence amended to admit landlord's title before any effective step taken by landlord to claim forfeiture—Effect of amendment.
Warner v. Sampson, Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212.
C.A. [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109.

Adverse title set up—Yearly tenancy—Oral disclaimer—Sale by tenant of "all . . . the interest of the vendor"—Whether purported sale of freehold interest—Whether disclaimer by denial of landlord's title.
Wisbech St. Mary Parish Council v. Lilley, C.A. [1956] 1 W.L.R. 121.

Writ of possession

Eviction of sub-tenant protected by Rent Acts—Claim by sub-tenant for wrongful eviction—Whether sheriff's officer landlord's agent—R.S.C., Ord. 47, r. 1.
Barclays Bank Ltd. v. Roberts, C.A. [1954] 1 W.L.R. 1212.

Frustration of lease. *See* CONTRACT.

Holding over. (*See also* **Equitable tenancy; Tenancy at will.**)

"Wilfully"

Double rent—Meaning of "wilfully"—Landlord and Tenant Act, 1730.
French v. Elliott, Paull J. [1960] 1 W.L.R. 40.

Illegality. *See* CONTRACT.

Improvement. *See also* **Act of 1927.**

Consent to

Unreasonably withheld—Effect.
Commissioner for Railways v. Avrom Investments Pty. Ltd., J.C. [1959] 1 W.L.R. 389.

Joint tenancy

Action by or against joint tenants

Action for arrears of rent and possession—Ejectment order against one of joint tenants—Part-payment of arrears before order—Balance of arrears and costs paid subsequently—Claim by joint tenants for relief from forfeiture—Ejectment order against one tenant only ineffective—Proceedings in action by landlord to be discontinued and parties to be restored to original position—Common Law Procedure Act, 1852, s. 212.
Gill v. Lewis, C.A. [1956] 2 Q.B. 1; [1956] 2 W.L.R. 962.

Dwelling-house

Husband and wife joint tenants—Purchase of dwelling-house by husband—"Subject to "existing tenancy"—Resale by husband, with a provision that vacant possession would be given on completion—Wife unaware of provision—Property mortgaged by sub-purchaser to plaintiff building society—Default of mortgagor—Action by mortgagee for possession—Rights of wife as joint tenant.
Leek and Moorlands Building Society v. Clark, C.A. [1952] 2 Q.B. 788; [1952] 2 T.L.R. 401; [1952] 2 All E.R. 492.

Licence or tenancy. *See* HUSBAND AND WIFE; LICENCE OR TENANCY.

Limitation of action. *See* LIMITATION OF ACTION.

Mortgage. *See* MORTGAGE.

LANDLORD AND TENANT—*continued.*

Notice to quit. (*See also* **Business premises; Rent restriction;** AGRICULTURAL HOLDING; METROPOLIS.)

Computation of period

Premises let as a dwelling—Four weeks' notice given on Friday, May 15, to expire on Friday, June 12—"Not less than four weeks"—Whether four clear weeks required—Whether notice valid—Rent Act, 1957, s. 16.
Thompson v. Stimpson, Divl.Ct. [1961] 1 Q.B. 195; [1960] 3 W.L.R. 818.

Form

Ambiguity—Bad reason—Estoppel. **Cowan v. Wrayford,** C.A. [1953] 1 W.L.R. 1340.

——— ——— To vacate "by" specified date—Validity.
Eastaugh v. Macpherson, C.A. [1954] 1 W.L.R. 1307.

Dispute whether tenancy weekly or yearly—Notice to quit purporting to terminate either—Validity. **Chez Auguste Ltd. v. Cottat,** Lord Goddard C.J. [1951] 1 K.B. 292.

Reference to part only of land. **Woodward v. Earl of Dudley,** Danckwerts J. [1954] Ch. 283; [1954] 1 W.L.R. 476.

Time of expiry—periodic tenancy—Weekly tenancy to Sunday midnight—Notice to quit "by noon on Monday, July 1, 1957."
Bathavon Rural District Council v. Carlile, C.A. [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545.

Yearly tenancy.
Rhyl Urban District Council v. Rhyl Amusements Ltd., Harman J. [1959] 1 W.L.R. 485.

Notice ignored by tenant

Action to recover possession of premises—Judgment for possession—Tenant continues to occupy premises—Whether landlord entitled to enter premises and retain possession without carrying out further legal procedure.
Aglionby v. Cohen, Harman J. [1955] 1 Q.B. 558; [1955] 2 W.L.R. 730.

Order for possession

Stable for elderly horse—Operation of possession order postponed for three months—Judge's power to postpone—Discretion of judge.
Jones v. Savery, C.A. [1951] W.N. 201; [1951] 1 All E.R. 820.

Signature

To be "signed by valuer"—His name signed by assistant—Letters "p.p." omitted from signature—Proof of authority to proxy necessary.
London County Council v. Agricultural Food Products Ld., C.A. [1955] 2 Q.B. 218; [1955] 2 W.L.R. 925.

Nuisance. *See* NUISANCE ((**Highway**) (*Obstruction*)).

Option to decrease term

Construction

Lease for 21 years determinable by lessors at end of 14 years—"If they shall require "the premises for the purposes of the business carried on by them"—Part only required at then undetermined time during next 7 years.
Parkinson v. Barclays Bank Ltd., C.A. [1951] 1 K.B. 368; 66 T.L.R. (Pt. 2) 783; [1950] 2 All E.R. 936.

Option to extend term

Assignment

Whether assignor liable under lease after exercise of option by assignee—Whether original lessee liable for defaults of assignee—Effect of supplemental deed giving option in law—Doctrine of surrender and regrant on alteration of term of lease.
Baker v. Merckel, C.A. [1960] 1 Q.B. 657; [1960] 2 W.L.R. 492.

Exercisable more than 21 years from date of lease

Whether option valid—Law of Property Act, 1925, s. 149 (3).
In re **Strand and Savoy Properties Ltd.,** Buckley J. [1960] Ch. 582; [1960] 3 W.L.R. 1.

Notice of exercise

Tenant remaining in premises and paying rent after expiry of original term—Rent accepted by landlords—Whether option validly exercised by tenant—"Option for con-"tinuing for an extension of seven or fourteen years"—Provided tenant "has reason-"ably fulfilled covenants." **Gardner v. Blaxill,** Paull J. [1960] 1 W.L.R. 752.

Option to grant further lease

Lease for 21 years — Option to grant further lease in agreement under hand — Option exercisable more than 21 years from date of lease—Whether option to renew lease or to grant new lease — Whether valid — Whether covenant having "reference to the "subject-matter of the lease"—Whether reversionary estate bound by option—Whether option running with reversion—Whether an overriding interest—Law of Property Act, 1925, ss. 142, 149 (3), 154.
Weg Motors Ltd. v. Hales, Danckwerts J. [1961] Ch. 176; [1960] 3 W.L.R. 964.

Option to purchase

Assignment

Assignment of residue of term—No reference to option—Whether mere assignment of term operate as assignment of benefit of option to assignee of term.
Griffith v. Pelton, C.A. [1958] Ch. 205; [1957] 3 W.L.R. 522.

LANDLORD AND TENANT—*continued.*

Option to purchase (*Assignment*)—*continued.*

Licence to tenant to assign to named assignees—Assignees not parties to licence—Option in licence to assignees to purchase—Assignee's right to enforce option—Specific performance—Law of Property Act, 1925, s. 56 (1).
Stromdale & Ball Ltd. v. Burden, Danckwerts J. [1952] Ch. 223; [1951] 2 T.L.R. 1192; [1952] 1 All E.R. 59.

Construction

Lease for five years—Option to tenant to purchase freehold of premises "at any time"—Expiry of term in 1944—Tenant holding over as statutory tenant—Whether tenant entitled to exercise option in 1959—"At any time."
Longmuir v. Kew, Cross J. [1960] 1 W.L.R. 862.

Parcels

Airspace

Presumption that airspace above demised premises is itself demised.
Kelsen v. Imperial Tobacco Co. (of Great Britain and Ireland) Ltd., McNair J. [1957] 2 Q.B. 334; [1957] 2 W.L.R. 1007.

Possession application. *See* **Forfeiture; Rent restriction.**

Possession order. *See* **Notice to quit; Rent restriction.**

Profit à prendre

Game

Reservation of game, rabbits, etc.—Grant of rabbiting rights by landlord—Interference by tenant—Equitable title to profit à prendre—Possession—Exercise of right—Laying snares in open fields—Reasonable exercise.
Mason v. Clarke, C.A. [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48. H.L.(E.) [1955] A.C. 778; [1955] 2 W.L.R. 853.

Rent. (*See also* **Rent Restriction.**)

Gold clause

Lessee to pay stipulated rent "either in gold sterling or Bank of England notes to the equivalent value in gold sterling"—Whether words define measure of lessee's obligation or mode of discharge—Meaning of "gold sterling"—Whether "value" means nominal currency value or intrinsic gold content value of gold coins of sterling currency—Whether clause contrary to public policy—Coinage Act, 1870, s. 6.
Treseder-Griffin v. Co-operative Insurance Society Ltd., Lord Goddard C.J. [1955] 3 W.L.R. 996; C.A. [1956] 2 Q.B. 127; [1956] 2 W.L.R. 866.

Income tax. See REVENUE.

Royalty

Mine—Fixed rent plus royalty—Provision in lease prescribing calculation of royalty—Claim for arrears—Royalty a form of rent.
Perpetual Trustee Co. Ltd. v. Pacific Coal Co. Pty. Ltd., J.C. [1956] A.C. 165; [1956] 2 W.L.R. 105.

Tenant performing services for owner

Tenant paying as rent difference between quantified value of services and rental value of house—Subsequent increase in tenant's wages—No pecuniary rent paid after increase in wages—Character of tenancy not affected by wage increase.
Montagu v. Browning, C.A. [1954] 1 W.L.R. 1039

Rent restriction. (*See also* **Rent tribunal.**)

Alternative accommodation

Council house—Dwelling-house required by landlord—Offer of council house in adjoining housing area—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3.
Sills v. Watkins, C.A. [1956] 1 Q.B. 250; [1955] 3 W.L.R. 520.

Death of tenant—Widow of statutory tenant—Order for possession on grant of alternative accommodation—Alternative accommodation occupied by widow until death—Daughter entitled to succeed to alternative accommodation.
Strutt v. Panter, C.A. [1953] 1 Q.B. 397; [1953] 2 W.L.R. 406.

Decontrolled premises—Original premises to be converted into two self-contained premises—Tenant offered part of converted premises—Converted premises decontrolled—Security of tenure not "reasonably equivalent to security afforded by the principal Acts"—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (3) (*b*)—Housing Repairs and Rents Act, 1954, s. 35 (1) (*a*).
Scrace v. Windust, C.A. [1955] 1 W.L.R. 475.

Shared accommodation—Dwelling-house required by landlord—Tenant in exclusive occupation—Offer of other premises, sharing with another occupant—Whether offer of "suitable alternative accommodation"—Rent and Mortgage Interest Restrictions (Am.) Act, 1933, s. 3 (1) (*b*). **Barnard v. Towers,** C.A. [1953] 1 W.L.R. 1203.

Singapore—Business premises. **Singh v. Malay Theatres Ld.,** J.C. [1953] A.C. 632; [1953] 3 W.L.R. 491.

Suitable alternative accommodation at increased rent—Suitability to means of tenant—Pecuniary reasons for desiring possession—Reasonableness—Judge's discretion—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1) (*b*).
Cresswell v. Hodgson, C.A. [1951] 2 K.B. 92; [1951] 1 T.L.R. 414; [1951] 1 All E.R. 710.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Alternative accommodation*)—*continued.*

Whether reasonably suitable to needs of tenant and family—Housekeeper—Whether member of the tenant's family—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (3).
Darnell v. Millward, C.A. [1950] W.N. 567; 66 T.L.R. (Pt. 2) 1100; [1951] 1 All E.R. 88.

Apportionment of rent

Transfer of burden of repairs—Decision of county court judge—Whether final and conclusive—Appeal—Jurisdiction—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (3), (6)—Rent and Mortgage Interest Restriction Act, 1923, s. 11 (1).
Beck v. Newbold, C.A. [1952] 2 Q.B. 752; [1952] 2 T.L.R. 332; [1952] 2 All E.R. 412.

Assignment of lease or underletting. See Sublease.

Closing order made by justices

Premises unfit for human habitation—Whether premises taken out of protection of Rent Acts by closing order—Public Health (London) Act, 1936, Sch. V—Housing Act, 1936, s. 156 (1) (*e*). **Marela Ld. v. Machorowski,** C.A. [1953] 1 Q.B. 565; [1953] 2 W.L.R. 831.

Contracting out. See Public policy.

Contractual terms

Whether binding on statutory tenant—Agreement by original tenant to pay £*x* in lieu of repairs at end of lease—Effect—Increase of Rent, etc., Act, 1920, s. 15 (1).
Boyer v. Warbey, C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

Costs

Court of Appeal—Jurisdiction to make order for costs—Landlord and Tenant (Temporary Provisions) Act, 1958, s. 4 (2). **Spyropoulos v. McClelland (Practice Note),** C.A. [1959] 1 W.L.R. 862.

High Court action—Possession against statutory tenant claimed—Also damages for trespass and breach of covenant—Whether successful plaintiff entitled to any costs—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 17 (2).
Tideway Investment and Property Holdings Ltd. v. Wellwood, Harman J. [1952] W.N. 226; [1952] 1 T.L.R. 1177; [1952] 1 All E.R. 1142.
C.A. [1952] Ch. 791; [1952] 2 T.L.R. 365; [1952] 2 All E.R. 514.

Jurisdiction to order successful defendant to pay plaintiff's costs—Possession application—Tenant causing nuisance—Landlord's application for possession dismissed—Tenant ordered to pay landlord's costs—County Court Rules, 1936, Ord. 47, r. 1—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I (*b*).
Ottway v. Jones, C.A. [1955] 1 W.L.R. 706.

Death of tenant. (*See also* LICENCE OR TENANCY.)

Alternative accommodation—Widow of statutory tenant—Order for possession on grant of alternative accommodation—Alternative accommodation occupied by widow until her death—Widow's daughter entitled to succeed as statutory tenant of alternative accommodation—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 12 (1) (*g*), 15. **Strutt v. Panter,** C.A. [1953] 1 Q.B. 397; [1953] 2 W.L.R. 406.

Contractual tenant—Widow occupying as statutory tenant—Acceptance of new rent book containing new conditions of tenancy—Statutory tenancy converted into contractual tenancy—Death of widow—Daughter's right to remain in possession—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Bungalows (Maidenhead) Ld. v. Mason, C.A. [1954] 1 W.L.R. 769.

Contractual tenant dying intestate—Tenancy vested in the Probate Judge—Widow of contractual tenant entitled to remain in possession as statutory tenant—" Tenant "—Meaning—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*). **Moodie v. Hosegood,** C.A. [1951] W.N. 112.
H.L.(E.) [1952] A.C. 61; [1951] 2 T.L.R. 455; [1951] 2 All E.R. 582.

First cousins resident with tenant for many years—Claim to succeed to tenancy as members " of the tenant's family "—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Increase of Rent and Mortgage Interest (Restrictions) Act, 1935, s. 1.
Langdon v. Horton, C.A. [1951] 1 K.B. 666; [1951] 1 T.L.R. 238; [1951] 1 All E.R. 60.

Lover of deceased tenant—Statutory tenant living in unmarried association with man at her death—Child born of association—Whether man a member of tenant's family—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Perry v. Dembowski, C.A. [1951] 2 K.B. 420; [1951] 1 T.L.R. 1166; [1951] 2 All E.R. 50.

Mistress of deceased tenant—Children born of association—Whether member of tenant's family—Test to be applied—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*). **Hawes v. Evenden,** C.A. [1953] 1 W.L.R. 1169.

—————————— Wife not living with him at death—Mistress of deceased tenant claimed right to remain in premises—Whether entitled to protection—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Tinkham v. Perry, C.A. [1951] 1 K.B. 547; [1951] 1 T.L.R. 91; [1951] 1 All E.R. 249.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Death of tenant*)—*continued.*

Order for possession against statutory tenant—Suspension of execution of order—Death of tenant before order executed—Landlord's right to possession as against tenant's daughter—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 5 (2), 12 (1) (*g*). **American Economic Laundry Ltd. v. Little,** C.A. [1951] 1 K.B. 400.

Order for possession against statutory tenant in 1935—Execution of order suspended indefinitely—Order statute barred—Death of tenant—Right of landlord to possession against tenant's niece—Small Tenements Recovery Act, 1838, s. 1—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Rent and Mortgage Interest Restrictions Act, 1923, s. 4 (2) (4)—Limitation Act, 1939, s. 2 (4).
Mills v. Allen, C.A. [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356.

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Butler v. Hudson, C.A. [1954] 2 Q.B. 407; [1953] 3 W.L.R. 227.

——— Rival claims to succession by members of tenant's family—Procedure for settling dispute—Whether mandatory—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Increase of Rent and Mortgage Interest (Restrictions) Rules, 1920, rr. 1, 19.
Taylor v. Willoughby, C.A. [1953] 1 W.L.R. 1020.

——— ——————— Two applicants qualified by residence—Son and stepdaughter of tenant—Reference by county court judge to registrar as arbitrator—Documentary evidence of tenant's wish for son to succeed rejected by arbitrator—Material evidence—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—County Courts Act, 1934, s. 89 (3). **Trayfoot v. Lock,** C.A. [1957] 1 W.L.R. 351.

"Residing with"—Daughter of tenant originally resided at premises for over two years—Daughter in residential employment—Returned to premises from time to time—Whether residing with tenant—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 13. **Middleton v. Bull,** C.A. [1951] W.N. 517; [1951] 2 T.L.R. 1010.

——————— Daughter subtenant of two rooms with joint use of kitchen—Whether member of tenant's family "residing with" her—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Edmunds v. Jones, C.A. [1957] 1 W.L.R. 1118n.

——————— Grand-daughter and her husband occupying one room of three-roomed flat and sharing use of kitchen—Grand-daughter not subtenant—Whether member of tenant's family "residing with" her—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*). **Collier v. Stoneman,** C.A. [1957] 1 W.L.R. 1108.

Will—Widow occupying as statutory tenant—Death of contractual tenant—Widow named as executrix of valid will—Death of widow without proving will—Whether tenant died "intestate"—Whether on tenant's death widow remained as contractual tenant, or by virtue of statutory right—Right of adopted daughter to remain in possession—Admissibility of evidence of unproved will—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Administration of Estates Act, 1925, s. 5.
Whitmore v. Lambert, C.A. [1955] 1 W.L.R. 495.

Decontrol

New tenancy proposed by landlord—Unreasonable refusal—Political anticipation—Premises decontrolled by Rent Act, 1957—Landlords' proposal for new tenancy—Proposals refused on ground that law might be amended—Whether tenants' refusal "unreasonable"—Rent Act, 1957, s. 11 (1)—Landlord and Tenant (Temporary Provisions) Act, 1958, ss. 1, 3 (1).
Clifford Sabey (Contractors) Ltd. v. Long, C.A. [1959] 2 Q.B. 290; [1959] 3 W.L.R. 59.

"Premises"—Meaning—Whether right to use garden in common with other tenants constitutes "premises comprised in one of the tenancies"—Whether tenant moving from controlled ground floor tenancy with use of garden to first floor tenancy with use of garden on new letting after date of coming into force of decontrolling Act protected—Rent Act, 1957, s. 11 (2), proviso.
M. & J. S. Properties Ltd. v. White, C.A. [1959] 2 Q.B. 25; [1959] 2 W.L.R. 525.

Sublease—Part of premises lawfully sublet—Decontrol of whole premises—Whether subtenant of part forming separate dwelling-house protected against head landlord—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (3)—Housing Repairs and Rents Act, 1954, s. 41—Rents Act, 1957, ss. 11, 27 (2), Sch. 4, paras. 1, 2.
Legge v. Matthews, C.A. [1960] 2 Q.B. 37; [1960] 2 W.L.R. 620.

Dwelling-house. See Premises within the Acts.

Estoppel per rem judicatam. See ESTOPPEL.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Exclusion from Rent Acts. See Premises within the Acts.

Furnished letting. (*See also* **Rent tribunal.**)

Evidence—Onus of proof—Evidence of landlord that premises almost fully furnished—No evidence of cost of furniture or of value to tenant—Landlord's application for possession dismissed—Prima facie case of a furnished letting—Retrial—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2) (i)—Rent and Mortgage Interest Restrictions Act, 1923, s. 10 (1).
Hern v. Palmer, C.A. [1955] 1 W.L.R. 123.

Immoral user. See Possession application.

Implied covenant

To use premises in tenantable manner.
Goodman v. Rollinson, McNair J. [1951] W.N. 118.

Kenya. See EASTERN AFRICA.

Landlord by purchase

Agreement to purchase in June, 1939—Deposit paid—Plaintiff called up for war service—Purchase completed after demobilization in 1945—Whether plaintiff became landlord by purchase before or after September 1, 1939—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I (*h*) (as amended)
Emberson v. Robinson, C.A. [1953] 1 W.L.R. 1129.

Grant to vendor by same instrument tenancy of upper floor—Purchaser not a landlord by purchasing house—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. 1, para. (*h*) (as amended).
Newton v. Biggs, C.A. [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203.

Protected tenant subsequently granted new tenancy in same house—Whether protection defeated—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (*h*) (as amended). **Wright v. Walford,** C.A. [1955] 1 Q.B. 363: [1955] 2 W.L.R. 198.

Purchase of premises subject to tenancy and subtenancy—Order for possession against tenant—Whether purchasers landlords vis-à vis subtenant at date of purchase—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (3)—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I (*h*) (as amended).
Cairns v. Piper, C.A. [1954] 2 Q.B. 210; [1954] 3 W.L.R. 249.

Licence or tenancy. See LICENCE OR TENANCY.

Mortgage. (*See also* MORTGAGE (**Interest restriction**).)

Attornment clause at substantial rent — Rent in arrear — Mortgagee's successful claim for possession in High Court—Relation of landlord and tenant—Whether tenancy within the Rent Acts—Costs—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 17 (2). **Portman Building Society v. Young,** C.A. [1951] W.N. 10; [1951] 2 T.L.R. 369; [1951] 1 All E.R. 191.

Notice to quit

Premises let as a dwelling—Statutory requirement of four weeks' notice—Whether applicable to mortgagor under attornment clause—Rent Act, 1957, s. 16.
Alliance Building Society v. Pinwill, Vaisey J. [1958] Ch. 788; [1958] 3 W.L.R. 1.

Tenancy subject to one month's notice from tenant, two years' notice from landlord—Notice to quit in four weeks given by landlord—Tenant's claim to two years' notice admitted—Notice of increase of rent given—Increased rent paid—Action to recover possession—Whether tenant estopped by payment of increased rent from asserting right to two years' notice—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 3—Rent Restrictions (Notice of Increase) Act, 1923, s. 1 (1).
Wallis v. Semark, C.A. [1951] 2 T.L.R. 222.

Tenant, by—Whether bound by terms of lease—Increase of Rent, etc., Act, 1920, s. 15 (1). **Boyer v. Warbey,** C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

Penalty. See Premium.

Personal occupation

Deserted wife of tenant remaining in occupation and paying rent—Alleged matrimonial offence by wife—No action by husband to revoke wife's licence to remain in occupation—Landlord not entitled to possession.
Wabe v. Taylor, C.A. [1952] 2 Q.B. 735; [1952] 2 T.L.R. 264; [1952] 2 All E.R. 420.

Prolonged absence owing to mental illness—Animus revertendi—Quality of intention—Onus of proof—What has to be proved—Whether test positive intention to return coupled with practical possibility of doing so within a reasonable time—Whether test abandonment of possession. **Tickner v. Hearn,** C.A. [1960] 1 W.L.R. 1406.

Removal by statutory tenant to new home—Intention to return on retirement in three years—Whether animus revertendi established.
Dixon v. Tommis, C.A. [1952] W.N. 146; [1952] 1 All E.R. 725.

Shop and dwelling-house let together—Dwelling-house made uninhabitable owing to war damage and failure to repair—Occupation of dwelling-house abandoned—Shop still occupied—Whether any animus possidendi on part of tenant.
Bushford v. Falco, C.A. [1954] 1 W.L.R. 672.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Personal occupation*)—*continued.*

Sublease of part of premises—Maisonette—Claim by landlord to order for possession of first and third floor, to separate subtenants—Tenant occupying only second floor and box-room on third floor—Sub-tenants' use of bathroom and w.c. in common with tenant—End of contractual tenancy—Statutory tenancy—Claim by landlord to order for possession of first and third floors—Whether tenant protected by Rent Restriction Acts—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (1).
Berkeley v. Papadoyannis, C.A. [1954] 2 Q.B. 149; [1954] 3 W.L.R. 23.

Tenant of London flat—House in the country—Infrequent visits to flat—Furniture left and caretaker installed—Whether occupied as a " home "—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1).
Beck v. Scholz, C.A. [1953] 1 Q.B. 570; [1953] 2 W.L.R. 651.

Vicarious occupation—Agreement between tenant and original landlord that tenant's manager should occupy house—Claim for possession—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (1).
S. L. Dando Ld. v. Hitchcock, C.A. [1954] 2 Q.B. 317; [1954] 3 W.L.R. 76.

——— Licensee of statutory tenant—Premises left by tenant—Revocation of licence — Tenant's capacity to maintain action for trespass — Whether in " possession "—Vicarious possession—Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (1).
Thompson v. Ward, C.A. [1953] 2 Q.B. 153; [1953] 2 W.L.R. 1042.

——— Tenant ceasing to occupy premises personally—Tenant's family remaining in occupation—Alleged oral agreement between tenant and landlord that family should occupy—Claim for possession—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (1). **Cove v. Flick,** C.A. [1954] 2 Q.B. 326n.; [1954] 3 W.L.R. 82n.

Possession application

Appeal to Court of Appeal—Change of circumstances—Dwelling-house required by landlord for personal occupation — Landlord's application for possession dismissed — Greater hardship—Question of fact—Landlord's appeal—Death of his wife—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sched. I, para. (*h*).
King v. Taylor, C.A. [1955] 1 Q.B. 150; [1954] 3 W.L.R. 669.

Arrears of rent—Absolute order for possession against statutory tenant—Payment of arrears into court before order executed—Application by occupier to vary order—Order providing for discharge on compliance with conditions—Jurisdiction of court to discharge absolute order by interposing conditional order—Form of order—Whether further order to be made after conditions complied with—Rent and Mortgage Interest Restrictions Act, 1923, s 4 (2). **Payne v. Cooper,** C.A. [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741.

——— Conditional order—Condition not complied with by date fixed—Subsequent order extending time for compliance with condition—Validity—Rent and Mortgage Interest Restrictions Act, 1923, s. 4 (2).
Haymills Houses Ld. v. Blake, C.A. [1955] 1 W.L.R. 237.

——— Payment into court before judgment—Whether " reasonable " to make order for possession—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I. **Dellenty v. Pellow,** C.A. [1951] 2 K.B. 858; [1951] 2 T.L.R. 733; [1951] 2 All E.R. 716.

——— Usual order—Suspended order.
Hayman v. Rowlands, C.A. [1957] 1 W.L.R. 317.

Breach of covenant—Breach made good—Lessee's covenants to keep in good repair—Obligation " has been broken "—Meaning—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3, Sch. I.
Brown v. Davies, C.A. [1958] 1 Q.B. 117; [1957] 3 W.L.R. 818.

——— Breach not made good — Unauthorised alteration — Principles applicable.
Tideway Investment and Property Holdings Ltd. v. Wellwood, Harman J. [1952] 1 T.L.R. 1177; [1952] 1 All E.R. 1142.
C.A. [1952] Ch. 791; [1952] 2 T.L.R. 365; [1952] 2 All E.R. 514.

Conditional order for possession against statutory tenant—Conditions not complied with by tenant—Death of tenant—Devolution of statutory tenancy on member of tenants' family—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 12 (1) (*g*), 15 (1)—Rent and Mortgage Interest Restrictions Act, 1923, s. 4 (2).
Sherrin v. Brand, C.A. [1956] 1 Q.B. 403; [1956] 2 W.L.R. 131.

Greater hardship—Dwelling-house reasonably required for occupation by landlord's daughter—Whether reasonable to make order—Movability of other tenants of landlord—Whether relevant consideration—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I, para. (*h*). **Hardie v. Frediani,** C.A. [1958] 1 W.L.R. 318.

——— Question of fact—Relevance of alternative accommodation—Death of landlord's wife.
King v. Taylor, C.A. [1955] 1 Q.B. 150; [1954] 3 W.L.R. 669.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Possession application*)—*continued.*

Greater hardship—Unconditional order for possession made in favour of landlord—Death of landlord before order became effective—Claim to possession by daughter as beneficiary under landlord's will—Whether order continued to be effective—Change of circumstances. **Goldthorpe v. Bain,** C.A. [1952] 2 Q.B. 455; [1952] 1 T.L.R. 1512; [1952] 2 All E.R. 23.

——————— Whether proviso as to greater hardship repealed by Act of 1957—Evidence of greater hardship—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (h), proviso—Rent Act, 1957, Sch. 6, para. 21. **Piper v. Harvey,** C.A. [1958] 1 Q.B. 439; [1958] 2 W.L.R. 408.

Immoral user—Tenant convicted of carnal knowledge of girl of thirteen—Using premises for immoral or illegal purpose—Recovery of possession—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (*b*). **Hodson v. Jones,** C.A. [1951] W.N. 127.

——————— Tenant permitting premises to be used by prostitutes—Discretion of court to grant landlord possession—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 5 (2)—Rent and Mortgage Interest Restrictions Act, 1923, s. 4—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (*b*). **Yates v. Morris,** C.A. [1951] 1 K.B. 77.

Perjury by applicant—Reasonableness—Finding by judge of greater hardship on landlord—Order refused on account of landlord's perjury on another issue—Whether proper exercise of discretion—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. I (*h*). **Yelland v. Taylor,** C.A. [1957] 1 W.L.R. 459.

Practice—Leave to issue writ—Information required—R.S.C., Ord. 47, r. 1. **Practice Direction,** Q.B.D. [1955] 1 W.L.R. 1314.

Premises overcrowded—Notice to quit—Tenant guilty of offence of overcrowding when proceedings started—Tenant not guilty of offence at date of hearing—Whether landlord entitled to possession—Housing Act, 1936, ss. 59 (3), 61, 65. **Zbytniewski v. Broughton,** C.A. [1956] 2 Q.B. 673; [1956] 3 W.L.R. 630.

Trust for sale—Beneficiary let into possession—No statutory delegation of trustees' powers—Beneficiary grants tenancy—Whether beneficiary a "landlord" entitled to possession for occupation—Law of Property Act, 1925, s. 29—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 Sch. I, para. (*h*). **Stratford v. Syrett,** C.A. [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733.

Writ of possession—Eviction of sub-tenant protected by Rent Acts—Claim by sub-tenant for wrongful eviction—Whether sheriff's officer landlord's agent—R.S.C., Ord. 47, r. 1. **Barclays Bank Ltd. v. Roberts,** C.A. [1954] 1 W.L.R. 1212.

Premises within the Acts. (*See also Service tenancy*; *Shared accommodation*; **Rent tribunal.**)

Business premises (*See also* Shop)—Premises occupied for mixed purposes—Garage and dwelling—Separate entities—Dominant purpose—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (2). **Thompstone v. Simpson,** Hallett J. [1952] 1 T.L.R. 447; [1952] 1 All E.R. 431.

Club—Lease providing premises should only be used as working-men's social club—House not let as dwelling-house—Lessee allowed to live on premises—Claim for possession—New-control house—Standard rent—No evidence whether owner-occupied or let—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*a*)—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, ss. 6, 16 (1)—Rent and Mortgage Interest Restrictions Act, 1939, s. 3, Sch. I. **Court v. Robinson,** C.A. [1951] 2 K.B. 60; [1951] 1 All E.R. 209.

Conversion after 1954—Flat made self-contained—"Other premises"—Housing Repairs and Rents Act, 1954, s. 35 (1). **Higgins v. Silverston,** C.A. [1956] 2 Q.B. 525; [1956] 3 W.L.R. 448.

Dwelling-house—Change of identity—Rateable value in 1939 exceeded £100—Subsequent bomb damage—Rateable value reduced to £96—House not protected—Ascertainment of rateable value—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (1). **Hazell, Watson & Viney Ld. v. Malvermi,** McNair J. [1953] 1 W.L.R. 782.

Dwelling-house subsequently divided into six flats—Date for assessing rateable value—Rent and Mortgage Interest Restrictions Act, 1939, s. 7. **Coutts & Co. v. Duntroon Investment Corporation Ltd.,** Harman J. [1958] 1 W.L.R. 116.

Furnished letting. *See Furnished letting*; **Rent tribunal.**

Housing trust—"Houses for persons . . . in fact members of the working classes"—Charitable trust providing houses for lower income group—Modern meaning of "working classes"—Tenancies not controlled—Housing Act, 1936, s. 188—Housing Repairs and Rents Act, 1954, s. 33 (1) (9). **Guinness Trust (London Fund) v. Green,** C.A. [1955] 1 W.L..R 872.

Land—Camp site let with bungalow—Whether "Land or premises let together with a dwelling-house"—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3). **Feyereisel v. Turnidge,** C.A. [1952] 2 Q.B. 29; [1952] 1 T.L.R. 700; [1952] 1 All E.R. 728.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Premises within the Acts*)—*continued.*

Land—Cottage let together with woodland—Woodland not rated—Woodland subsequently rated in excess of rateable value of cottage—Possession—Whether property under old or new control—Proper time to test rateable value—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2) (iii) and (6)—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3). **Davies v. Gilbert,** C.A. [1955] 1 W.L.R. 160.

Rateable value—Agreement in writing—Letting for twelve months—Consideration sum of £47 and weekly rent of 2s. payable monthly—" Thereafter (should tenant be desirous " of continuing tenancy) on monthly tenancy at rent of 2s. per week "—Rent less than two-thirds of rateable value—Tenant holding over—Tenant's claim to protection of Rent Acts as statutory tenant—Evidence that written agreement did not accurately record the intention of the parties.
O'Connor v. Hume, C.A. [1954] 1 W.L.R. 824.

——— Ascertainment of rateable value—London unfurnished flat and garage—Flat alone occupied by tenant—Property assessed in valuation list as one hereditament rated at £76—On tenant's proposal property reassessed separately, flat being valued at £40—Application by landlord for reassessment—Meaning of " hereditament "—Value " shown in " valuation list—Rent Act, 1957, s. 11 (1), Sch. 5, paras. 1 (*b*), 2 (1).
Holland v. Ong, C.A. [1958] 1 Q.B. 425; [1958] 2 W.L.R. 448.

——— Whether over two-thirds of rateable value—Whether rates to be included —Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (7)—Landlord and Tenant (Rent Control) Act, 1949, s. 2.
Sidney Trading Co. Ltd. v. Finsbury Corpn., Divl. Ct. [1952] W.N. 99; [1952] 1 T.L.R. 512; [1952] 1 All E.R. 460.

Shop—Business premises with living accommodation above—Covenant to use and occupy premises for certain named trades and business only—Tenant carrying on business and living on premises—Whether premises let as separate dwelling—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3).
Levermore v. Jobey, C.A. [1956] 1 W.L.R. 697.

——— ——— Lease of shop and dwelling-house—Determination of contractual tenancy—Tenant in possession of shop only—Dwelling-house sublet—Whether tenant protected—Increase of Rent and Mortgage Interest Restrictions Act, 1920, s. 15 (1).
John M. Brown Ltd. v. Bestwick, C.A. [1951] 1 K.B. 21.

——— ——— Shop let with living quarters —Dominant user—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3).
Whiteley v. Wilson, C.A. [1953] 1 Q.B. 77; [1952] 2 T.L.R. 802; [1952] 2 All E.R. 940.

——— ——— Shop sublet by tenant—Notice to quit served by landlord on tenant—Separate leases of shop and of dwelling-house granted by landlord to same tenant—Standard rent—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3).
Cumbes v. Robinson, C.A. [1951] 2 K.B. 83; [1951] 1 All E.R. 661.

——— ——— Whether let as a separate dwelling—Sitting tenant in residential part at time of lease—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 1, 12 (2) and 14—Rent and Mortgage Interest (Restrictions) Amendment Act, 1933, s. 16—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (1) and (3).
British Land Co. Ltd. v. Herbert Silver (Menswear) Ltd., C.A. [1958] 1 Q.B. 530; [1958] 2 W.L.R. 580.

Sublease (*See also* Shop)—Dwelling-house—Rateable value £101—Whole house let at £16 a year—Part of house then sublet at £150 a year—Headlease terminated—Subtenants claiming protection of the Rent Acts—Effect of statutory provisions—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (3)—Housing Repairs and Rents Act, 1954, s. 41—Landlord and Tenant Act,1954, s. 15 (1).
Cadogan v. Henthorne, Hallett J. [1957] 1 W.L.R. 1.

Sublease—Lock-up shop and dwelling-house owned by local authority and leased to tenant—Dwelling-house sublet to tenant—Assignment of lease to limited company—Claim by company to possession of dwelling-house—" House or dwelling in respect of " which a local authority . . . are required . . . to keep a Housing Revenue Account " —Subtenant unprotected—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (2) (*c*).
Percy G. Moore Ltd. v. Stretch, C.A. [1951] W.N. 2; [1951] 1 T.L.R. 66; [1951] 1 All E.R. 228.

Premium

Buildings converted into flats—Agreement between landlords and builders, two-thirds of cost to be paid by landlord, one-third by tenants—Tenants accepting flats agreeing to pay £500 each to builder—Whether payment of money to builder a premium—Landlord and Tenant (Rent Control) Act, 1949, ss. 1, 2, 18; Sch. I, Part 1.
Rex v. Birmingham (West) Rent Tribunal. *Ex parte* **Edgbaston Investment Trust Ltd.,** Divl.Ct. [1951] 2 K.B. 54; [1951] 1 T.L.R. 77; [1951] 1 All E.R. 198.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Premium*)—*continued.*

Commuted rent—Rent reduced below two-thirds of rateable value—Lump sum payment—Whether premium or rent in advance—Whether tenant protected—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (7).
Samrose Properties Ltd. v. Gibbard, C.A. [1958] 1 W.L.R. 235.

Lease of dwelling-house within Rent Acts—Dwelling-house converted by lessee into two self-contained flats—Tenancy of converted dwelling-house assigned to plaintiff—Premium taken—Tenancy within Rent Acts despite conversion into two separate dwelling-houses—Premium recoverable by plaintiff—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (3). **Lower v. Porter,** C.A. [1956] 1 Q.B. 325; [1956] 2 W.L.R. 215.

Paid to third person—Grant of tenancy conditional on sale of house at undervaluation—Person requiring premium—Demand by landlords' agents—Benefit not received by landlords but by separate though associated company—Landlord and Tenant (Rent Control) Act, 1949, s. 2.
White v. Elmdene Estates Ltd., C.A. [1960] 1 Q.B. 1; [1959] 3 W.L.R. 185.
H.L.(E.) [1960] A.C. 528; [1960] 2 W.L.R. 359.

Premium demanded and paid as condition of grant of tenancy—Payment to agent of landlord—Ostensible authority of agent—Tenant entitled to recover from landlord—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (1) (5).
Navarro v. Moregrand Ltd., C.A. [1951] W.N. 335; [1951] 2 T.L.R. 674.

Premium paid by third person—Recovery by tenant—Set-off against arrears of rent—Limitation—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 8, 14 (1)—Rent and Mortgage Interest Restrictions Act, 1923, s. 8 (2)—Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, s. 7 (6)—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (5). **Temple v. Lewis,** C.A. [1954] 1 Q.B. 22; [1953] 3 W.L.R. 762.

Premium required in 1948 for grant of 14 years' lease—Covenant by lessee for payment of premium—Premium payable by instalments over ten years—Proviso for re-entry for breach of covenant—Demand by landlord for payment of instalment after the passing of the Act of 1949—Whether a requirement as a condition of the continuance of a tenancy—Whether a demand for increased rent—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (1) (5) (7).
Regor Estates Ltd. v. Wright, C.A. [1951] 1 K.B. 689; [1951] 1 T.L.R. 242; [1951] 1 All E.R. 219.

Price of furniture—Grant of tenancy—Furniture to be purchased by tenant—Whether price in excess of "the reasonable price"—Landlord and Tenant (Rent Control) Act, 1949, ss. 2, 3. **Eales v. Dale,** C.A. [1954] 1 Q.B. 539; [1954] 2 W.L.R. 593.

Rent collector employed by manager of block of flats—Delegated authority to let flat—Acceptance of premium as condition of granting lease—Whether within general scope of employment—No proof of manager's knowledge—Criminal liability—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (1).
Barker v. Levinson, Divl.Ct. [1951] 1 K.B. 342.

Rent paid in advance—Agreement to let before landlord's purchase—Three years' rent paid in advance—Whether illegal premium—Effect—Tenant let into possession before completion of landlord's purchase—Completion of purchase and legal charge—Possession application by mortgagee—Rights of tenant—Landlord and Tenant (Rent Control) Act, 1949, s. 2 (1) (5) (6).
Grace Rymer Investments Ltd. v. Waite, Danckwerts J. [1958] Ch. 314; [1958] 2 W.L.R. 200; C.A. [1958] Ch. 831; [1958] 3 W.L.R. 337.

Rent reduced below standard rent—Lump sum payment representing discounted balance of rent—Whether payment recoverable—Premium required as "a condition of the "granting" of a lease—Meaning—Extrinsic evidence of intention of parties—Admissibility—Landlord and Tenant (Rent Control) Act, 1949, ss. 2, 18.
Woods v. Wise, C.A. [1955] 2 Q.B. 29; [1955] 2 W.L.R. 734.

Repairs, payment in lieu—Term of original tenancy—Agreement by tenant to pay £*x* in lieu of repairs at end of lease—Effect—Increase of Rent, etc., Act, 1920, s. 15 (1).
Boyer v. Warbey, C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

Public policy

Mutuality—Promise by tenant to give up possession—Promise by landlord to give valuable consideration—Whether agreement enforceable by landlord.
Rajenback v. Mamon, Wynn-Parry J. [1955] 1 Q.B. 283; [1955] 2 W.L.R. 21.

Release from control. See Decontrol.

Rent limit

Appropriate factor—Tenant's liability for repairs under terms of tenancy—Concurrent liability at common law—"Fair wear and tear"—Services—Rent Act, 1957, ss. 1, 2, Sch. I, para. 1 (1) (2) and (3).
Regis Property Co. Ltd. v. Dudley, C.A. [1958] 1 Q.B. 346; [1958] 2 W.L.R. 356.
H.L.(E.) [1958] 3 W.L.R. 647.

Rent, standard. See Standard rent.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Repairs and rent

Notice of increase—Proceedings in county court by landlord to recover increase—Right of tenant to challenge validity of notice in such proceedings—Notice issued under mistaken assumption of repairs being landlord's sole responsibility—Power of county court to amend notice and correct errors—Housing Repairs and Rents Act, 1954, ss. 23 (1), (2), (5), 25 (1), (4), 26 (1), (2), (4), (5), Sch. II, 1, 4 (1), 5.
London Hospital Governors v. Jacobs, C.A. [1956] 1 W.L.R. 662.

Notice of increase and declaration as to repairs served on tenant—Declaration not challenged by tenant within 28 days—Whether tenant precluded after 28 days from challenging validity of declaration on ground of fraud—"Satisfactory evidence"—Particulars required in notice—Housing Repairs and Rents Act, 1954, ss. 23 (1), 25; Sch. II, paras. 4, 5, 6.
Lazarus Estates Ltd. v. Beasley, C.A. [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502.

Repairs increase—Validity of notice of increase of rent—Prescribed form—Omission of part of calculation—Jurisdiction of court to permit amendment—Liability to do repairs—Tenant not liable—Notice of election by landlord—Effect on permitted repairs increase under Act of 1920—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*d*)—Housing Repairs and Rents Act, 1954, ss. 23, 25 (3), (4), 30—Housing Repairs (Increase of Rent) Regulations, 1954, Schs. 1, 4 and 8.
Jackson v. Croucher, C.A. [1956] 1 Q.B. 394; [1956] 2 W.L.R. 331.

Service tenancy

"Employment"—Premises let to tenant in consequence of employment by former landlord—Nature of employment changed—Claim for possession by new landlord—Whether tenant "ceased to be in that employment"—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sched. I, para. (*g*).
Duncan v. Hay, C.A. [1956] 1 W.L.R. 1329.

Tenancy conditional on tenant's remaining in employment of third party—Whether an "obligation of the tenancy"—Breach of condition—Right of landlord to recover possession—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (*a*).
R. M. R. Housing Society Ltd. v. Combs, C.A. [1951] 1 K.B. 486; [1951] 1 T.L.R. 1; [1951] 1 All E.R. 16.

Shared accommodation

Dwelling-house let to two tenants, each occupying separate rooms, and sharing use of scullery and bathroom—One tenant vacating premises—Right of other tenant to remain in occupation—Landlord and Tenant (Rent Control) Act, 1949, s. 8.
Lockwood v. Lowe, C.A. [1954] 2 Q.B. 267; [1954] 2 W.L.R. 296.

"Part of house let as a separate dwelling"—Sole use by tenant of four bedrooms—Agreement for joint use with landlord of additional bedroom—Concurrent or consecutive sharing—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2).
Goodrich v. Paisner, C.A. [1955] 2 Q.B. 353; [1955] 2 W.L.R. 1071; H.L.(E.) [1957] A.C. 65; [1956] 2 W.L.R. 1053.

Shared use of kitchen—One tenant vacating premises—Right of other tenant to remain in occupation—Landlord and Tenant (Rent Control) Act, 1949, s. 8.
Isaacs v. Titus, C.A. [1954] 1 W.L.R. 398.

——————— Tenant and subtenant—Premises vacated by tenant—Landlord's claim to possession—Landlord and Tenant (Rent Control) Act, 1949, ss. 7, 9.
Shackleton v. Greenhalgh, C.A. [1950] W.N. 574; [1950] 2 All E.R. 1123; [1951] 1 T.L.R. 361.

Statutory tenant—Claim for possession—Settlement of claim on terms—Tenancy of part of house—Kitchen not specified—Landlord to have sole use of two rooms—Tenant to have licence to use kitchen at all reasonable times—Tenancy to be within Rent Acts—New claim by landlord for possession—Whether letting to defendant of "separate "dwelling"—No ouster of jurisdiction—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 16 (1).
Rogers v. Hyde, C.A. [1951] 2 K.B. 923; [1951] 2 All E.R. 79.

Three rooms let as dwelling-house—Right to draw water in kitchen and boil washing once a week—Whether premises let as a "separate dwelling-house"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2).
Hayward v. Marshall. Winchester v. Sharpe, C.A. [1952] 2 Q.B. 89; [1952] 1 T.L.R. 779; [1952] 1 All E.R. 663.

Use of kitchen—Gift to one tenant of reversion—Other tenant sharing with landlord when proceedings started—Relevant time—Order for possession—Landlord and Tenant (Rent Control) Act, 1949, s. 8.
Tovey v. Tyack, C.A. [1955] 1 Q.B. 57; [1954] 3 W.L.R. 570.

Standard rent. (*See also Apportionment of rent*; *Rent limit*; *Repairs and rent*; **Rent tribunal.**)

Added accommodation—Flat let alone—Subsequently let with garage as separate dwelling—Effect of letting with garage—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3).
Langford Property Co. Ltd. v. Batten, H.L.(E.) [1951] A.C. 223.

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Rent restriction (*Standard rent*)—*continued.*

Added accommodation—Two adjacent flats let as one dwelling-house—Subsequent letting as separate flats—Original letting outside Rent Acts—Ascertainment of standard rent—Apportionment of rent—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (3)—Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, s. 5—Rent and Mortgage Interest Restrictions Act, 1939, s. 7 (2).
Capital and Provincial Property Trust Ltd. v. Rice, H.L. (E.) [1952] A.C. 142; [1951] 2 T.L.R. 557; [1951] 2 All E.R. 600.

Burden of proof—Admitted proof by tenant of first letting after September 1, 1939—Onus on landlord to prove standard rent—Rent of first letting after September 1, 1939, as standard rent.
Keane v. Clarke, C.A. [1951] 2 K.B. 732; [1951] 2 T.L.R. 77; [1951] 2 All E.R. 187.

Excess rent paid. *See* Rent in excess.

Furnished letting—Purchase of furniture by tenant—No surrender of tenancy or variation of rent—Subsequent vacating of premises by tenant and unfurnished letting to plaintiff—First letting under Rent Acts—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1)—Rent and Mortgage Interest Restrictions Act, 1923, s. 10 (1)—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (2).
Stagg v. Brickett, C.A. [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152.

——— Subsequent unfurnished tenancy with benefit of furnished tenancy—Whether standard rent fixed by unfurnished tenancy—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*a*) (as amended).
Anspach v. Charlton Steam Shipping Co. Ltd., C.A. [1955] 2 Q.B. 21; [1955] 2 W.L.R. 601.

Increase—"Improvement"—Old drainage and cold water systems replaced by new—Defective area level adjoining building lowered—Whether "improvement" or "repair"—Test applicable—Improvement from tenant's point of view—Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*a*)—Rent and Mortgage Interest Restrictions Act, 1939, Sch. I.
Morcom v. Campbell-Johnson, C.A. [1956] 1 Q.B. 106; [1955] 3 W.L.R. 497.

——— Rates—Covenant by landlords to pay rates during term—Expiration of lease—Tenant remaining as statutory tenant—Increase in rates before expiration of term—Claim for higher rent—Liability of statutory tenant—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 2 (1) (*b*) (3), 15 (1).
Westminster and Kensington Freeholds Ld. v. Holme, C.A. [1955] 1 W.L.R. 272.

——— ——— Rent including rates—Increase of rates resulting in corresponding increase in rent—Whether permitted increases—Standard rent not exceeded—Whether statutory tenancy created—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 2 (1) (*b*), 3 (2).
Mills v. Bryce, C.A. [1951] 1 K.B. 757; [1951] 1 T.L.R. 53; [1951] 1 All E.R. 111.

——— Series of lettings—Transfer to landlord of burden previously borne by tenant—Whether after transfer of burden from tenant to landlord further increases permissible on grant of subsequent tenancies on ground of increased costs—"Previously borne by the tenant"—"Previous terms"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*b*) (3).
Regis Property Co. Ltd. v. Redman, C.A. [1956] 2 Q.B. 612; [1956] 3 W.L.R. 95.

——— Water seepage—Damage to floor—Concrete foundations of house raised—Improvement or structural alteration—Whether also "repair"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*a*)—Rent and Mortgage Interest Restrictions Act, 1939, Sch.
Wates v. Rowland, C.A. [1952] 2 Q.B. 12; [1952] 1 T.L.R. 488; [1952] 1 All E.R. 470.

Meaning of "rent"—Tenant performing services for owner—Tenant paying as rent difference between quantified value of services and rental value of house—Subsequent increase in tenant's wages—No pecuniary rent paid after increase in wages—Character of tenancy not affected by wage increase—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2), (7)—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (1). **Montagu v. Browning,** C.A. [1954] 1 W.L.R. 1039.

Mistake—Contractual tenancy at less than standard rent—Notice to quit—Landlord entitled to standard rent—No estoppel—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (1).
Dean v. Bruce, C.A. [1952] 1 K.B. 11; [1951] 2 T.L.R. 1030; [1951] 2 All E.R. 926.

Rateable value on appropriate day—Two flats made into one—Joint assessment—Property subsequently divided and separately assessed after appropriate day—Application to ascertain standard rent—Rateable value—Apportionment of original joint assessment—When property "first assessed"—Rent and Mortgage Interest Restrictions Act, 1939, s. 7 (2) (3). **Temple v. National Mutual Life Association of Australasia Ld.,** C.A. [1955] 2 Q.B. 461; [1955] 3 W.L.R. 264.

LANDLORD AND TENANT—*continued.*

Rent restriction (*Standard rent*)—*continued.*

Rent in excess paid by tenant—Death of tenant—Right of executor to recover—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 14 (1)—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1).
Dean v. Wiesengrund, C.A. [1955] 2 Q.B. 120; [1955] 2 W.L.R. 1171

——— Right of tenant to deduct excess from subsequent rent payments—Bankruptcy of landlord—Claim by trustee in bankruptcy to recover subsequent rent in full—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 14 (1).
Bradley-Hole v. Cusen, C.A. [1953] 1 Q.B. 300; [1953] 2 W.L.R. 193.

Statutory tenant. (*See also Death of tenant; Sublease.*)

Compulsory purchase order—Whether tenant entitled to receive notice—"Occupier"—Acquisition of Land (Authorization Procedure) Act, 1946, Sch. I, art. 3 (1) (*b*).
Brown v. Minister of Housing and Local Government, Barry J. [1953] 1 W.L.R. 1370.

Contract to purchase dwelling-house by statutory tenant—Status of purchaser pending completion—Whether statutory tenancy surrendered—Express preservation of existing tenancy—Intention of parties. **Nightingale v. Courtney,** C.A. [1954] 1 Q.B. 399; [1954] 2 W.L.R. 266.

Merger—Mortgagee in possession—Assignment of mortgage to statutory tenant—Continued tender of rent—Proceedings by statutory tenant against mortgagor—Whether plaintiff in possession as statutory tenant or as mortgagee—Foreclosure or sale—Whether tenancy merged in mortgage. **Silsby v. Holliman,** Upjohn J. [1955] Ch. 552; [1955] 2 W.L.R. 1090.

Mutual agreement to vary method of payment of rates—Corresponding reduction of rent—Whether new contractual tenancy thereby created—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 2 (1) (*b*) (3).
Steel v. Cockcroft, C.A. [1951] 2 K.B. 429; [1951] 2 T.L.R. 12; [1951] 2 All E.R. 175.

Nature of interest after absolute order for possession made but not executed.
Payne v. Cooper, C.A. [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741.

Nature of rights—Sublease. **Solomon v. Orwell,** C.A. [1954] 1 W.L.R. 629.

Sublease. (*See also Premises within Acts*; **Assignment.**)

Claim to possession—Notice to quit—Assignment of tenancy before termination of notice to quit—Failure to obtain leave to assign—Whether assignee entitled to hold over as statutory tenant—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, para. (*d*).
Regional Properties Co. Ltd. v. Frankenschwerth, C.A. [1951] 1 K.B. 631; [1951] 1 All E.R. 178.

——— Premises sublet without consent of landlord—Landlord's right against "occupier" whether or not a "lawful subtenant"—Increase of Rent (Restriction) Ordinance, 1949, (Kenya), s. 16 (1) (i), (2) (6).
Chogley v. Bains, J.C. [1955] 1 W.L.R. 877.

Covenant not to assign without consent—Landlord's acceptance of rent after knowledge of breach—Claim for possession—Whether order lay against subtenants—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I, paras. (*a*), (*d*).
Hyde v. Pimley, C.A. [1952] 2 Q.B. 506; [1952] 1 T.L.R. 1561; [1952] 2 All E.R. 102.

——— Sublease with consent of landlord—Assignment of sublease with consent of superior landlord to company for the use and occupation of named person—Assignment to that person with consent only of sublessor—Whether assignee a lawful subtenant entitled to protection of Rent Acts—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 12 (1) (*f*) (*g*); 15 (3)—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1) and Sch. 1, paras. (*a*) and (*d*). **Drive Yourself Hire Co. (London) Ld. v. Strutt,** Lynskey J. [1953] 2 W.L.R. 953. C.A. [1954] 1 Q.B. 250; [1953] 3 W.L.R. 1111.

——— Singapore—Determination of head tenancy—Subtenant a "statutory tenant"—Entitled to remain in possession—Control of Rent Ordinance (No. 25 of 1947), ss. 2, 14 (1), 15, 16, 17.
Guan Seng Kee Ld. v. Buan Lee Seng Ld., J.C. [1954] A.C. 53; [1953] 3 W.L.R. 1034.

Dwelling-house within Rent Acts—Tenancy at ground rent less than two-thirds of rateable value—Subletting—Termination of tenancy—Subtenant not protected—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, ss. 12 (7), 15 (3).
Public Trustee v. Dierken, C.A. [1951] W.N. 290.

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Furnished premises

Assignee's reference—Whether assignee "party to the contract"—Furnished Houses (Rent Control) Act, 1946, s. 2 (1).
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Business premises—Boarding-house—Tenant residing in basement—Jurisdiction of rent tribunal to fix rent—Application of Rent Restriction Acts definition of "dwelling-"house"—Furnished Houses (Rent Control) Act, 1946, s. 1.
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Lodger—Reference by paying guest or lodger—Jurisdiction of tribunal—Exclusive occupation of one room as a residence—Landlord's right of access at all times—Whether tribunal has jurisdiction to entertain reference—Furnished Houses (Rent Control) Act, 1946, s. 2 (1). **Reg. v. Battersea, Wandsworth, Mitcham and Wimbledon Rent Tribunal.** *Ex parte* **Ambalal Parikh,** Divl.Ct. [1957] 1 W.L.R. 410.

Notice to quit—Proceedings by tenant pending before rent tribunal—Notice to quit served before decision—Effect—Furnished Houses (Rent Control) Act, 1946, s. 5.
Alexander v. Springate, Streatfeild J. [1951] 1 K.B. 803; [1951] 1 T.L.R. 266; [1951] 1 All E.R. 351.

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Rent tribunal (*Furnished premises*)—*continued.*

Rent fixed by tribunal and registered—Excess rent received for part of premises—Whether offence committed—" Those premises "—Furnished Houses (Rent Control) Act, 1946, s. 4 (1) (*a*). **Gluchowska v. Tottenham Borough Council,** Divl.Ct. [1954] 1 Q.B. 439; [1954] 2 W.L.R. 302.

Rent reduced by tribunal and registered—Reduction for unspecified period—Subsequent letting to different tenant on same terms—Tribunal's further reduction of rent on new tenant's application—No change of circumstance alleged—Jurisdiction of tribunal—Furnished Houses (Rent Control) Act, 1946, ss. 2, 3, 4.
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———— Notice to quit given by landlord more than three months after decision of tribunal—Jurisdiction of tribunal to grant or extend security of tenure—Furnished Houses (Rent Control) Act, 1946, s. 5—Landlord and Tenant (Rent Control) Act, 1949. s. 11 (1). **Reg. v. St. Helens and Area Rent Tribunal.** *Ex parte* **Pickavance,** Divl.Ct. [1952] W.N. 98; [1952] 1 T.L.R. 455; [1952] 1 All E.R. 455. C.A. [1952] 2 Q.B. 370; [1952] 1 T.L.R. 1494; [1952] 2 All E.R. 9. sub nom. **Preston and Area Rent Tribunal v. Pickavance,** H.L.(E.) [1953] A.C. 562; [1953] 3 W.L.R. 242.

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Whether unfurnished—Tenant's allegation of oral agreement to let unfurnished—Allegation by landlord that letting furnished—Tribunal's jurisdiction to determine nature of letting—Furnished Houses (Rent Control) Act, 1946—Landlord and Tenant (Rent Control) Act, 1949—Rent and Mortgage Interest Restrictions Act, 1923, s. 10.
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Standard rent

Business premises with living accommodation above—Covenant against use of premises otherwise than as shop—Tenant carrying on business and living on premises—Jurisdiction of tribunal to fix rent—Rent and Mortgage Interest Restrictions Act, 1939, s. 3 (3)—Landlord and Tenant (Rent Control) Act, 1949, s. 1.
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House converted into flats—No apportionment of rateable value made—Flat separately assessed at rateable value exceeding statutory limit—Rateable value of whole house below statutory limit—Application by tenant of flat to tribunal to determine reasonable rent—Rent assessed—Tribunal's jurisdiction—Whether new entity created—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (3)—Rent and Mortgage Interest Restrictions Act, 1939, s. 7 (2) (3)—Landlord and Tenant (Rent Control) Act, 1949, s. 1 (1). **Rex v. Sidmouth Rent Tribunal;** *Ex parte* **Sellek,** Divl.Ct. [1951] 1 K.B. 778; [1951] 1 T.L.R. 408; [1951] 1 All E.R. 107.

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Rent tribunal (*Standard rent*)—*continued.*

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Reduction of rent of two flats by tribunal—Subsequent allegation by tenant that two flats previously let as one—Application to county court for apportionment—Landlord's reliance on tribunal's decision—Matter of defence—County court judge's refusal of jurisdiction—Validity—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (3)—Landlord and Tenant (Rent Control) Act, 1949, s. 1.
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Subtenant's application

Form of application—Application by sub-tenant—Landlord's name not given—Regulation of Ministry of Health directory not imperative—Application not a nullity—Landlord and Tenant (Rent Control) (Amendment) Regulations, 1950, reg. 2.
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Determination of rent—Application to tribunal by deserted wife of tenant—Not authorized by tenant—Whether wife agent of husband—Landlord and Tenant (Rent Control) Act, 1949, s. 1. **Regina v. Twickenham Rent Tribunal.** *Ex parte* **Dunn,** Divl.Ct. [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517.

Withdrawal of application

Application to rent tribunal to determine reasonable rent—Subsequent agreement as to rent—Right to withdraw application before decision of tribunal—Landlord and Tenant (Rent Control) Act, 1949, s. 1.
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Demolition required by planning authority—Whether premises to be demolished "at or "shortly after . . . termination of tenancy"—Meaning—Admissibility of evidence of events after tenancy terminated—Landlord and Tenant Act, 1927, s. 18 (1).
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Effect of counter-notice claiming benefit—Subsequent proceedings by lessor for breach of repairing covenant—More than five years of term not then unexpired—Whether Act applicable—Law of Property Act, 1925, s. 146—Leasehold Property (Repairs) Act, 1938, s. 1. **Baker v. Sims,** C.A. [1959] 1 Q.B. 114; [1958] 3 W.L.R. 546.

Leave to proceed for possession—Breaches of covenants to repair—Application by lessor for leave to proceed in claims for forfeiture and damages—Matters to be proved to obtain such leave—Law of Property Act, 1925, s. 146 (1) (3)—Leasehold Property (Repairs) Act, 1938, s. 1 (5) (as amended by the Landlord and Tenant Act, 1954, s. 51).
Phillips v. Price, Harman J. [1959] Ch. 181; [1958] 3 W.L.R. 616.

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Cusack-Smith v. Gold, Pilcher J. [1958] 1 W.L.R. 611.

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Uniproducts (Manchester) Ltd. v. Rose Furnishers Ltd., Glyn-Jones J. [1956] 1 W.L.R. 45.

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Regis Property Co. Ltd. v. Dudley, C.A. [1958] 1 Q.B. 346; [1958] 2 W.L.R. 356.
H.L.(E.) [1959] A.C. 370; [1958] 3 W.L.R. 647.

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Brown v. Davies, C.A. [1958] 1 Q.B. 117; [1957] 3 W.L.R. 818.

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Mistake—Sale at auction of farm occupied by tenant—Mutual mistake of vendors and tenant as to effect of repairing covenant—Claim by tenant against purchaser to rectify tenancy agreement—Whether purchaser affected by notice of equity to rectify—Law of Property Act, 1925, s. 199 (1).
Smith v. Jones, Upjohn J. [1954] 1 W.L.R. 1089.

"Structural repairs of a substantial nature"—Meaning of "structural repairs"—Meaning of "substantial"—Notice to landlords of disrepair—Disrepair due to failure of tenant's predecessors to repair—Liability of landlords—Long delay by landlords in complying with notice—Refusal of landlords to give specification of proposed repairs—Landlords' workmen prevented from doing repairs—Repairs done by tenants—Whether tenants entitled to damages.
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"Walls"—Covenant to repair "main walls"—Whether windows part of "walls."
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Implied term—Express conditions of tenancy restricting tenant from doing work to demised premises without consent and reserving to landlords right to enter and do repairs—Tenant required to deliver up premises in good and tenantable repair—Practice of landlords to do repairs—Tenant of council flat injured by defect in demised premises—Whether term to be implied that landlords must keep premises fit for human habitation—Whether any duty in landlords independent of contract to guard against foreseeable dangers from defect in demised premises of which they have notice.
Sleafer v. Lambeth Borough Council, C.A. [1960] 1 Q.B. 43; [1959] 3 W.L.R. 485.

Restrictive covenant. (*See also* RESTRICTIVE COVENANT.)

Agreement to pay £x at end of lease

Whether running with land—Whether penalty—In lieu of covenant to deliver up in good repair. **Boyer v. Warbey,** C.A. [1953] 1 Q.B. 234; [1952] 2 T.L.R. 882; [1952] 2 All E.R. 976.

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Dobbs v. Linford, C.A. [1953] 1 Q.B. 48; [1952] 2 T.L.R. 727; [1952] 2 All E.R. 827.

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Covenant by lessee not to carry on any business on premises "other than that of a "butcher"—Whether sale of poultry included.
Hartshorn v. Angliss, Vaisey J. [1951] W.N. 293; [1951] 1 T.L.R. 1043.

Lease of shop for "trade or business of bread and confectionery"—Lessors' covenant not to permit adjacent premises to be used for the trade or business for which the demised premises were let—Lease of adjoining premises to grocers—Sale of bread and confectionery by grocers—No breach of covenant.
Labone v. Litherland Urban District Council. Liverpool Co-operative Society Ltd., Third Parties, McNair J. [1956] 1 W.L.R. 522.

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Baker v. Merckel, C.A. [1960] 1 Q.B. 657; [1960] 2 W.L.R. 492.

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Davies, Turner & Co. Ld. v. Brodie, Divl.Ct. [1954] 1 W.L.R. 1364.
Standard of care issue in action for negligence.
Qualcast (Wolverhampton) Ltd. v. Haynes, H.L.(E.) [1959] A.C. 743; [1959] 2 W.L.R. 510.

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LEGAL AID
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Addison v. Addison and Holden, C.A. [1960] 1 W.L.R. 1088.
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Action by company against assisted person—Petition by assisted person to wind up—Whether a "proceeding . . . to enforce any order . . . made in connexion with the said "proceedings." *In re* **Parker Davies and Hughes Ld.,** Roxburgh J. [1953] 1 W.L.R. 1349.

LEGAL AID—*continued.*

Certificate (*Ambit*)—*continued.*

Divorce—Decree to assisted person—Queen's Proctor intervention—Application for fresh legal aid certificate required.
Wallis v. Wallis, Pearce J. [1952] W.N. 189; [1952] 1 T.L.R. 865; [1952] 1 All E.R. 915.

Negotiations after judgment as to method of payment of sum awarded — Whether "incidental" to proceedings and covered by certificate—Legal Aid and Advice Act, 1949, s. 1 (5). **W. & F. Marshall Ld. v. Barnes & Fitzpatrick,** Pearson J. [1953] 1 W.L.R. 639.

Appeal

Notice of Appeal to be filed without waiting for grant of legal aid.
Addison v. Addison and Holden, C.A. [1960] 1 W.L.R. 1088.

Appeal by case stated

Application for legal aid by appellant—Duty of legal aid committee.
Jones v. Trentham, Divl.Ct. [1952] W.N. 108.

Discharge

Disclosure that certificate obtained on basis of false statement made at hearing—Circumstances in which court will exercise its power to revoke or discharge certificate—Legal Aid (General) Regulations, 1950, reg. 11 (4).
Nevill v. Nevill, Sachs J. [1959] 1 W.L.R. 320.

Increase of disposable income—Reference to National Assistance Board—Finality of their decision—Powers of area committee—Court's power to discharge certificate—Failure to give information of changed circumstances—Reasonable time allowed—National Assistance Board's power to re-determine—Change of circumstances—Lapse of more than twelve months from application for certificate—Legal Aid and Advice Act, 1949, s. 15 (1)—Legal Aid (General) Regulations, 1950 as amended by Legal Aid (General) (Amendment No. 1) Regulations, 1954, regs. 8 (5), 11 (2A), 11 (4)—Legal Aid (Assessment of Resources) Regulations, 1950, regs. 1 (2), 9 (2), 1st Sched., Pt. 1, r. 2 (1). **Moss v. Moss,** Willmer J. [1956] P. 373; [1956] 2 W.L.R. 469.

Disclosure

Application to revoke certificate—Request for Law Society's and National Assistance Board's files—Information privileged—Whether court included in expression "person"—Legal Aid and Advice Act, 1949, s. 14 (1) (*a*)—Legal Aid (General) Regulations, 1950, reg. 11 (4).
Whipman v. Whipman, Mr. Commissioner Grazebrook, Q.C. [1951] W.N. 333; [1951] 2 T.L.R. 518; [1951] 2 All E.R. 228.

Inspection of civil aid certificate—Legal Aid (General) Regulations, 1950, reg. 15 (5) (6) (7). **Practice Note (Legal Aid),** Probate [1956] 1 W.L.R. 622.

Emergency certificate

Duration—Failure to grant definitive certificate within period of permitted extension of emergency certificate—Certificate deemed to be revoked—Defendant not a legally assisted person—Costs of appeal—Jurisdiction of court—Legal Aid (General) Regulations, 1950, regs. 10 (9); 12 (1)—R.S.C., Ord. 64, r. 7. **Ward v. Mills,** C.A. [1953] 1 W.L.R. 917.

——— Grant to defendants for purpose of appeal—Grant of definitive certificate—Failure to grant within permitted extension of emergency certificate—Defendants not legally assisted persons—Legal Aid and Advice Act, 1949, s. 12—Legal Aid (General) Regulations, 1950, regs. 10, 12.
Greenwood v. Sketcher, C.A. [1951] W.N. 190; [1951] 1 T.L.R. 638; [1951] 1 All E.R. 750.

Emergency certificate for three months—Purported extension to six months—Aid granted to infant appellant—Liability for costs in guardian ad litem—Order as to costs accordingly.
In re **Randall,** C.A. [1951] W.N. 245.

Trustee in bankruptcy

Certificate granted to trustee on bankrupt's means—Validity—Certiorari—Legal Aid and Advice Act, 1949, s. 12 (3)—Legal Aid (General) Regulations, 1950, reg. 15 (2).
Reg. v. Manchester Legal Aid Committee. *Ex parte* **R. A. Brand & Co. Ltd.,** Divl.Ct. [1952] 2 Q.B. 413; [1952] 1 T.L.R. 476; [1952] 1 All E.R. 480.

Validity

Certificate ante-dated by local committee—Invalid—Legal Aid and Advice Act, 1949—Legal Aid (General) Regulations, 1950, regs. 2 (1) (2), 5 (14).
Lacey v. W. Silk & Son Ltd., Slade J. [1951] W.N. 366; [1951] 2 All E.R. 128.

Certificate granted to take proceedings limited to obtaining counsel's opinion—Adverse opinion—No proceedings taken—Meaning of "proceedings"—Proceedings contemplated—Default in payment of contributions—Legal Aid and Advice Act, 1949, s. 1 (5)—Legal Aid (General) Regulations, 1950, reg. 11 (2).
Law Society v. Elder, C.A. [1956] 2 Q.B. 93; [1956] 2 W.L.R. 941.

Charge on property recovered. *See* **Costs.**

Costs

Aided plaintiff and defendant

Action for damages for fraud—Plaintiffs awarded damages—No order as to costs—Liability of defendants to pay costs—Proper order—Legal Aid and Advice Act, 1949, ss. 1 (7) (*b*), 2 (*e*), 3 (1). **Blatcher v. Heaysman,** C.A. [1960] 1 W.L.R. 663.

LEGAL AID—*continued.*

Costs—*continued.*

Aided plaintiff successful

Claim successful against one only of two defendants—Right to costs—Principle applicable—Legal Aid and Advice Act, 1949, ss. 1 (7) (*b*), 2 (2), 6 (5) (6) (9).
Daley v. Diggers Ltd., Hilbery J. [1951] 1 K.B. 661; [1951] 1 All E.R. 116.

Successful action—Whether costs to be limited—Legal Aid and Advice Act, 1949, s. 1 (7).
Starkey v. Railway Executive, C.A. [1951] W.N. 546; [1951] 2 All E.R. 902.

Appeal. (See also Order against assisted person.)

Jurisdiction of court—Legal Aid (General) Regulations, 1950, regs. 10 (9); 12 (1)—R.S.C., Ord. 64, r. 7. **Ward v. Mills, C.A. [1953] 1 W.L.R. 917.**

Security for costs—Order that appellant to Court of Appeal should give security—Emergency certificate obtained subsequently—Rules under s. 12 of the Legal Aid and Advice Act not yet published—Order for security discharged.
Conway v. George Wimpey & Co. Ltd., C.A. [1951] W.N. 27; [1951] 1 T.L.R. 215; [1951] 1 All E.R. 56.

———— R.S.C. Ord. 58, r. 15 (2).
Bampton v. Cook (Practice Note), C.A. [1954] 1 W.L.R. 450.

Barrister's fees. See Summons for review; Taxation.

Charge on property recovered

Dwelling-house—Specific performance—Contract to exchange dwelling-houses—Action for specific performance—Parties assisted persons—Decree of specific performance—Plaintiff assessed to maximum contribution to costs—Defendant assessed to nil—Charge by Law Society on dwelling-house received by plaintiff in exchange as "property recovered or "preserved"—Whether charge enforceable—Letters between plaintiff and Law Society—Whether relevant—Legal Aid and Advice Act, 1949, s. 3 (4)—Legal Aid (General) Regulations, 1950, regs. 16 (8), 17 (2); Legal Aid (General) (Amendment No. 1) Regulations, 1954; Legal Aid (General) (Amendment No. 2) Regulations, 1955.
Wagg v. Law Society, Harman J. [1957] Ch. 405; [1957] 3 W.L.R. 20.

Garnishee—Order against Law Society—Legal Aid and Advice Act, 1949, s. 3—Legal Aid (General) Regulations, 1950, reg. 16 (6).
Dawson v. Preston. Law Society (Garnishees), Divl.Ct. [1955] 1 W.L.R. 1219.

Plaintiff legally aided—Nil contribution—Compromise of action—£500 paid into court for plaintiff by defendants—No order as to costs—Whether £500 subject to charge for benefit of legal aid fund—Legal Aid and Advice Act, 1949, s. 3 (4).
Regina v. Judge Fraser Harrison. *Ex parte* **The Law Society,** Divl.Ct. [1955] 1 Q.B. 287; [1955] 2 W.L.R. 220.

———— Small contribution—£125 paid into court for plaintiff by defendants—Tender accepted by plaintiff after commencement of trial—Settlement approved by judge—Plaintiff ordered to pay £20 towards defendants' costs—Balance of £105 ordered to be paid into county court for benefit of plaintiff—Whether subject to first charge for benefit of legal aid fund—Legal Aid and Advice Act, 1949, s. 3 (4).
Law Society v. Rushman, C.A. [1955] 1 W.L.R. 681.

Divorce. (See also Taxation.)

Both parties legally aided—Costs incurred by wife before legal aid certificate—Lacuna in regulations—Legal Aid and Advice Act, 1949—Legal Aid (General) Regulations, 1950.
Hatch v. Hatch, Divl.Ct. [1951] W.N. 235; [1951] 1 T.L.R. 825.

Co-respondent—Petition and cross-petition dismissed—Successful co-respondent ordered to pay towards costs—Relief to taxpayer—Jurisdiction—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*). **Howell v. Howell, C.A. [1953] 1 W.L.R. 1024.**

Divorce Department—Wife's case conducted through Divorce Department—Recommendation for increased fee to wife's counsel—Allocation of cases to Divorce Department—Notional ability of husband to provide security for costs—Interpretation of regulations—Legal Aid and Advice Act, 1949, s. 6 (7)—Legal Aid (General) Regulations, 1950, regs. 5 (10), 18 (5) and Schedule. **Bezzi v. Bezzi,** Sachs J. [1956] 1 W.L.R. 116.

Interlocutory proceedings—Applicant ordered to pay costs—Amount assessed—No power to assess amount of costs until trial—Meaning of "matrimonial cause"—Legal Aid and Advice Act, 1949, ss. 2 (2) (*e*), 17 (1)—Legal Aid (General) Regulations, 1950, reg. 17 (1). **Wozniak v. Wozniak,** Karminski J. [1953] 2 W.L.R. 662; C.A. [1953] P. 179; [1953] 2 W.L.R. 1075.

Order against successful husband—Defended petition—Security for costs ordered—Wife's case abandoned at conclusion of her evidence—Wife's nil contribution as assisted person—Legal aid fund in no better position to obtain costs than a wife—No order against husband for costs incurred by wife.
Mines v. Mines, Willmer J. [1957] 1 W.L.R. 628.

Security for wife's costs—Appeal—Wife's petition—Appeal by husband—Security for wife's costs of appeal—Affidavit of impecuniosity—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*).
Practice Note (Security for Wife's Costs), C.A. [1953] 1 W.L.R. 905.

———— Both husband and wife assisted persons—Matrimonial Causes Rules, 1950, r. 65 (3). **Evans v. Evans, C.A. [1953] 1 W.L.R. 127.**

———— Husband an assisted person—Matrimonial Causes Rules, 1950, r. 65 (3). **Vincent v. Vincent,** Barnard J. [1953] P. 13; [1952] 2 T.L.R. 907; [1952] 2 All E.R. 978.

LEGAL AID—*continued.*

Costs (*Divorce*)—*continued.*

Security for wife's costs — Husband's petition — Wife's cross-petition — Wife certified "poor person"—Wife became "assisted person"—Whether effect of Legal Aid and Advice Act, 1949—Whether wife still entitled to order for security for costs—Whether limited to amount of her contribution—Legal Aid and Advice Regulations, 1950, reg. 5 (10). **Wigley v. Wigley,** C.A. [1951] P. 156; [1950] 2 All E.R. 1218.

——————— Wife legally aided—Hardship.
Morton v. Morton (No. 2), C.A. [1954] 1 W.L.R. 737.

House of Lords

Assisted person in court below—Appeal to House of Lords—Former assisted person unsuccessful respondent—Appearance not in forma pauperis.
Anderson v. Lambie (Practice Note), H.L.(Sc.) [1954] 1 W.L.R. 303.

Husband and wife. (*See also Divorce.*)

Maintenance—Registration of orders—Maintenance Orders Act, 1958, s. 2.
Practice Direction, Probate [1959] 1 W.L.R. 340.

Interlocutory proceedings. See Divorce; Order for taxation.

Means of aided person. See Order against assisted person.

No order. See Order for taxation.

Notice

Failure to serve notice by legally assisted person—Legal Aid and Advice Act, 1949—Legal Aid (General) Regulations, 1950, reg. 15 (2).
King v. T. and W. Farmiloe Ld., Garrard J. [1953] 1 W.L.R. 458.

Order against assisted person. (*See also Divorce.*)

Appeal against judgment by unsuccessful plaintiff—Plaintiff becoming assisted person after notice of appeal—Appeal dismissed—Application by defendants for costs—No evidence as to plaintiff's means before Court of Appeal—No power to refer to master or other tribunal for determination on adequate evidence—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*)—Legal Aid (General) Regulations, 1950, reg. 17.
Gough v. F. & H. F. Higgs Ltd., C.A. [1951] W.N. 580.

As condition of relief against forfeiture of lease—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*). **Factors (Sundries) v. Miller,** C.A. [1952] 2 T.L.R. 194; [1952] 2 All E.R. 630.

Damages awarded to aided person—Payment into court—Payment out on satisfaction of costs to be paid by aided person. **Carr v. Boxall,** Cross J. [1960] 1 W.L.R. 314.

Form of order—Payment by instalments—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*)—Legal Aid (General) Regulations, 1950, reg. 17.
Practice Direction (Costs against Aided Person), Lord Goddard C.J., Evershed M.R. [1954] 1 W.L.R. 275.

Relevant circumstances—Aided person uninsured driver—Supported by Motor Insurers Bureau—Whether to be taken into account in making order against unsuccessful aided person—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
Godfrey v. Smith, Donovan J. [1955] 1 W.L.R. 692.

Variation—Procedure—Legal Aid (General) Regulations, 1950 (as amended by the Legal Aid (General) (Amendment No. 1) Regulations, 1954, reg. 26), reg. 17 (4).
Corrick v. Northam (Practice Note), Byrne J. [1956] 1 W.L.R. 488.

——— Procedure in Chancery Division—Legal Aid (General) Regulations, 1950 (as substituted by the Legal Aid (General) (Amendment No. 1) Regulations, 1954, reg. 26), reg. 17 (4). **Wing v. Spring (Practice Note),** Upjohn J. [1958] 1 W.L.R. 926.

Whether damages awarded to him to be taken into consideration.
Graham v. C. E. Heinke & Co. Ltd., Donovan J. [1958] 1 Q.B. 432; [1958] 2 W.L.R. 224.

——————— Payment into court of sum greater than that awarded—Plaintiff legally aided, nil contribution—Legal Aid and Advice Act, 1949, ss. 2 (2) (*e*), 4 (3).
Bloomfield v. British Transport Commission, C.A. [1960] 1 Q.B. 86; [1960] 2 W.L.R. 693.

——————— Usual rule as to costs not affected by Legal Aid and Advice Act, 1949 (12 & 13 Geo. 6, c. 51), ss. 2 (2) (*e*), 4 (3). **Nolan v. C. & C. Marshall Ld.,** McNair J. [1953] 3 W.L.R. 257. C.A. [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285.

Order for taxation

Costs of legally aided person—Duty of court to make order—Legal Aid and Advice Act, 1949, ss. 2 (2) (*b*), 6 (5), Sch. III—Legal Aid (General) Regulations, 1950, reg. 18 (3).
Page v. Page, C.A. [1953] Ch. 320; [1953] 2 W.L.R. 432.

Interlocutory proceedings—Effect of order for taxation—Costs of interlocutory application reserved inter partes to trial judge—Direction by trial judge for legal aid taxation—Effect of Legal Aid and Advice Act, 1949, Sch. III, para. 4 (1)—Legal Aid (General) Regulations, 1950, reg. 18 (3) (as amended).
Paice v. Paice, Sachs J. [1957] 1 W.L.R. 1011.

LEGAL AID—*continued.*

Costs (*Order for taxation*)—*continued.*

Jurisdiction—No order for costs inter partes—Order for taxation as between solicitor and client—Legal Aid and Advice Act, 1949, Sch. III—Legal Aid (General) Regulations, 1950, reg. 18 (3).
Frost v. Frost, Willmer J. [1953] 1 W.L.R. 52.

Necessity of ordering taxation of costs of assisted person—Legal Aid (General) Regulations, 1950, regs. 12 (3) and 18 (3)—Legal Aid and Advice Act, 1949, s. 6 (5).
Brown v. Brown, C.A. [1952] W.N. 204; [1952] 1 T.L.R. 930; [1952] 1 All E.R. 1018.

Need for order—Husband and wife. **Practice Note,** Divl.Ct. [1952] W.N. 89.

Settlement of action—No reference to costs—No duty on court to make order for taxation of costs for purposes of legal aid—Legal Aid and Advice Act, 1949—Legal Aid (General) Regulations, 1950, reg. 18 (3).
Metcalf v. Wells, C.A. [1953] Ch. 320; [1953] 2 W.L.R. 432; [1953] 1 All E.R. 626.

Payment into court. (*See also Order against assisted person.*)

Payment of sum greater than that awarded—Plaintiff legally aided, nil contribution—Usual rule as to costs not affected by Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
Nolan v. C. & C. Marshall Ltd., McNair J. [1954] 2 Q.B. 42; [1953] 3 W.L.R. 257.
(C.A. [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285.)

Security for costs. (*See also Appeal; Divorce.*)

Application by defendant to remit to county court failing plaintiff's security for costs—Jurisdiction to order transfer although plaintiff assisted person—County Courts Act, 1934, s. 46—Legal Aid and Advice Act, 1949, ss. 1 (7), 2 (2), 12 (2)—Legal Aid and Advice Act, 1949 (Commencement) Order, 1950—Legal Aid (General) Regulations, 1950, reg. 17.
Burton v. Holdsworth, Streatfeild J. [1951] W.N. 343; [1951] 2 All E.R. 148.
C.A. [1951] 2 K.B. 703; [1951] W.N. 423; [1951] 2 T.L.R. 435; [1951] 2 All E.R. 381.

Plaintiff out of jurisdiction—Security for defendant's costs—Action for account—R.S.C. Ord. 65, r. 6A—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*).
Friedmann v. Austay (London) Ld., Roxburgh J. [1954] 1 W.L.R. 466.

———————— ———————— R.S.C., Ord. 65, r. 6A—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*); s. 2 (2) (*c*); and s. 12 (1) (2) (*b*) (ii).
Jackson v. J. Dickinson & Co. (Bolton) Ltd., C.A. [1952] W.N. 9; [1952] 1 All E.R. 104.

Solicitor deprived of costs

Divorce—Jurisdiction—R.S.C., Ord. 65, r. 11—Legal Aid and Advice Act, 1949, s. 6 (5), Sch. III, paras. 1 (1), 2 (1). **Saltmarsh v. Saltmarsh,** Divl.Ct. [1952] 2 All E.R. 6.

Solicitor's liability

Proceedings improperly continued.
Edwards v. Edwards, Sachs J. [1958] P. 235; [1958] 2 W.L.R. 956.

Solicitor's fees. See Summons for review; Taxation.

Summons for review of taxation

Barrister or solicitor—Fees—Aided party, summons in name of—Jurisdiction to consider summons—Power to order taxation of costs of summons—Legal Aid and Advice Act, 1949, s. 3 (4)—Legal Aid (General) Regulations, 1950 (as amended), regs. 8 (1) (*b*), 14 (3) (*c*), 18 (3) (*b*).
Rolph v. Marston Valley Brick Co. Ltd., Devlin J. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929.

———————— ——— Summons in solicitor's name—Jurisdiction to consider summons—Legal Aid and Advice Act, 1949, s. 1 (7)—Legal Aid (General) Regulations, 1950 (as amended), reg. 18 (3) (*b*)—R.S.C., Ord. 65, r. 27 (41).
Sutton v. Sears, McNair J. [1959] 3 W.L.R. 791.
Hammond v. Hammond, Karminski J. [1957] P. 349; [1957] 3 W.L.R. 395.

Taxation. (*See also Order for taxation; Summons for review.*)

Attendance of petitioner—Petitioner's evidence disbelieved—Meaning of "vexatious"—Medical witness—Direction of area committee as to fee—Supreme Court of Judicature (Consolidation) Act, 1925, s. 51—Legal Aid and Advice Act, 1949, Sch. III—Legal Aid (General) Regulations, 1950, reg. 14 (5).
Bock v. Bock, Karminski J. [1955] 1 W.L.R. 843.

Attendance of respondent at hearing—Respondent resident abroad—Payment on account of disbursements for his attendance—Legal Aid and Advice Act, 1949, Sch. III—Legal Aid (General) Regulations, 1950, reg. 14 (6A)—Legal Aid (General) (Amendment No. 1) Regulations, 1954, para. 23—Legal Aid Scheme, 1950, para. 33.
Ammar v. Ammar, Sachs J. [1954] P. 468; [1954] 3 W.L.R. 41.

Barrister—Brief fee—Case heard out of London—Appropriate fee—Undefended divorce case—Assize town—Legal Aid and Advice Act, 1949, Sch. III.
Young v. Young and Kohler, Wallington J. [1955] 1 W.L.R. 395.

LEGAL AID—*continued.*

Costs (*Taxation*)—*continued.*

Barrister—Brief fee—Case heard out of London—Appropriate fee—Undefended divorce case—Availability of local council—Employment of London barrister—Legal Aid and Advice Act, 1949, s. 6 (4), Sch. III.
Eaves v. Eaves & Powell, Sachs J. [1956] P. 154; [1955] 3 W.L.R. 984.
Self v. Self, Sachs J. [1954] P. 480; [1954] 3 W.L.R. 119.

——— ——— ——— ——— Undefended divorce suit—Counsel engaged in more than one case on same day—Legal Aid and Advice Act, 1949, Sch. III.
Isaacs v. Isaacs, Collingwood J. [1955] P. 333; [1955] 3 W.L.R. 253.

——— Consultation fee—Settlement of action.
Warman v. Barclays Bank, Harman J. [1954] 1 W.L.R. 191.

——— Divorce—Legal Aid and Advice Act, 1949, Sch. III.
Practice Direction (Counsel's Fees), Probate Div. [1957] 1 W.L.R. 839.

——— Wife's case conducted through Divorce Department—Recommendation for increased fee to wife's counsel—Interpretation of regulation—Legal Aid and Advice Act, 1949, s. 6 (7)—Legal Aid (General) Regulations, 1950, regs. 18 (5).
Bezzi v. Bezzi, Sachs J. [1956] 1 W.L.R. 116.

Consent order—Conveyancing work pursuant to terms of order—Whether conveyancing costs within ambit of legal aid taxation—Legal Aid and Advice Act, 1949, s. 1 (5).
Copeland v. Houlton, Wynn-Parry J. [1955] 1 W.L.R. 1072.

Divisional Court (Q.B.) matter—Assisted person discontinuing proceedings—Application for taxation. **Practice Note,** Divl.Ct. [1952] W.N. 170.

Expert witnesses—Solicitor and client costs—Disallowance of costs allowed on party and party taxation—Items not authorised—Payable by defendants to legal aid fund—Solicitor's right to recover—Legal Aid (General) Regulations, 1950 (as amended by the Legal Aid (General) (Amendment No. 1) Regulations, 1954, and Legal Aid (General) (Amendment No. 2) Regulations, 1955), reg. 14 (4), (5), (6).
Ullah v. Hall Line Ltd., Davies J. [1960] 1 W.L.R. 1320.

Objection—Duty of taxing officer—Reasons to be given—Legal Aid and Advice Act, 1949, 3rd Sch.
Eaves v. Eaves and Powell, Sachs J. [1956] P. 154; [1955] 3 W.L.R. 984.

Polish translations.
Practice Direction (Costs: Polish Translations), Probate [1956] 1 W.L.R. 505.

Scale of costs allowable—Judgment against assisted defendant—Sum ordered to be paid—Negotiations between solicitors as to method of payment—Whether "incidental" to proceedings—Whether covered by legal aid certificate—Legal Aid and Advice Act, 1949, s. 1 (5)—Legal Aid (General) Regulations, 1950, regs. 3 (3), 5 (2)—R.S.C., Ord. 65, r. 27. **W. F. Marshall Ld. v. Barnes & Fitzpatrick,** Pearson J. [1953] 1 W.L.R. 639.

Settlement of action—Items disallowed by taxing master—Consultation with leading and junior counsel—Country solicitor's attendance at and travelling expenses to consultation—Conference with junior counsel before accepting offer of settlement—Legal Aid and Advice Act, 1949, Sch. III. **Warman v. Barclays Bank Ld.,** Harman J. [1954] 1 W.L.R. 191.

Solicitor—Country solicitor—Attendance.
Bradshaw v. Bradshaw, Divl.Ct. [1956] P. 274n.; [1955] 3 W.L.R. 965.
Hobby v. Hobby, Divl.Ct. [1954] 1 W.L.R. 1020.
Warman v. Barclays Bank, Harman J. [1954] 1 W.L.R. 191.

——— Duty of solicitor incurring costs—Attitude to be adopted by taxing officer—Divorce—Inquiries as to adultery—No specific charge of adultery—Legal Aid and Advice Act, 1949, s. 1 (7) (*a*), 3rd Sched.
Francis v. Francis and Dickerson, Sachs J. [1956] P. 87; [1955] 3 W.L.R. 973.

——— Instructions for brief and supplemental instructions for brief—Whether permissible to be grouped as one item—Power of judge to overrule taxing master on question of quantum—Exceptional circumstance—Country solicitor—Attendance in London. **Theocharides v. Joannou,** Harman J. [1955] 1 W.L.R. 296.

——— Solicitor and client costs—Costs paid out of common fund in which client and others are interested—Full value of item of work done allowed in party and party column—No justification for additional fee in solicitor and client column.
Lyon v. Lyon, C.A. [1953] P. 1; [1952] 2 T.L.R. 775; [1952] 2 All E.R. 841.

Special expense—Appeal—Transcript of shorthand notes—Civil aid certificate—Expense not authorized at date of issue of certificate—Disallowed on taxation—Invalidity of retrospective authorization—Error or mistake—Legal Aid and Advice Act, 1949, s. 2 (2) (*a*)—Legal Aid (General) Regulations, 1950, reg. 14 (3).
Wallace v. Freeman Heating Co. Ld., Pearson J. [1955] 1 W.L.R. 172.

County court

Transfer of proceedings to High Court

Application—Object of application to secure benefit of legal aid—Effect of legal aid certificate in favour of person not entitled to sue—Discretion of court.
In re **Crossley, A Debtor,** Upjohn J. [1954] 1 W.L.R. 1353.

LEGAL AID—*continued.*

Disposable income

Subject-matter of dispute

Order for alimony pending suit after application but before computation by National Assistance Board—Whether claim for alimony pending suit "the subject-matter of the "dispute"—Legal Aid and Advice Act, 1949, s. 4 (3)—Legal Aid (Assessment of Resources) Regulations, 1950, reg. 2—Legal Aid (General) (Amendment No. 1) Regulations, 1954. **Taylor v. National Assistance Board,** Lord Merriman P. [1956] P. 490; [1956] 3 W.L.R. 290.
C.A. [1957] P. 101; [1957] 2 W.L.R. 189.
H.L.(E.) [1958] A.C. 532; [1958] 2 W.L.R. 11.

Legal aid committee

Certiorari. See CROWN PRACTICE.

Ward of court

Whether applications discouraged

Legal Aid and Advice Act, 1949, s. 1 (7) (*b*).
In re **G. (An Infant),** C.A. [1956] 1 W.L.R. 911.

LEGAL CHARGE

See MORTGAGE.

LEGISLATION

See COLONY; PARLIAMENT; STATUTE; STATUTORY INSTRUMENT.

LEGITIMACY. (*See also* BASTARDY.)

Divorce

Decree

Voidable—Avoidance after re-marriage—Whether children of second marriage legitimate.
Wiseman v. Wiseman, C.A. [1953] P. 79; [1953] 2 W.L.R. 499.

Evidence. (*See also* **Presumption.**)

Admissibility

Mother or husband's evidence—After decease—Statements made by intestate—Admissibility—Matrimonial Causes Act, 1950, s. 32 (1) and (2).
In re **Jenion,** C.A. [1952] Ch. 454; [1952] 2 T.L.R. 17; [1952] 1 All E.R. 1228.

Question of domicile—Statements made by petitioner's deceased father—Legitimacy Act, 1926, s. 1 (1).
Scappaticci v. Attorney-General, Willmer J. [1955] P. 47; [1955] 2 W.L.R. 409.

Family provision. *See* FAMILY PROVISION.

Nullity decree

Effect

Gift of trust fund to lawful children of beneficiary—Separation of beneficiary and wife—Birth of children to wife after separation—Decree of nullity of beneficiary's marriage owing to his incapacity—Marriage of wife to putative father of children—Death of beneficiary—Whether children lawful children of beneficiary—Law Reform (Miscellaneous Provisions) Act, 1949, s. 4—Matrimonial Causes Act, 1950, s. 9.
In re **Adams, decd.,** Danckwerts J. [1951] Ch. 716; [1951] 1 T.L.R. 841; [1951] 1 All E.R. 1037.

Petition

Jurisdiction

"Parent or remoter ancestor"—Construction—Whether uncle included—Supreme Court of Judicature (Consolidation) Act, 1925, s. 188—Legitimacy Act, 1926, ss. 1, 2 (1)—R.S.C., Ord. 25, r. 5. **Knowles v. Attorney-General,** Willmer J. [1951] P. 54.

Presumption. (*See also* **Evidence**; PATERNITY.)

Birth certificate

Spouses married six months—Death of husband—Birth of child within nine months of the death—Remarriage of wife three months before birth of child—Second husband registered as father—Evidence—Presumption of legitimacy as child of first husband—Presumption of accuracy of statements in birth certificate—Conflict of presumptions.
In re **Overbury, decd.,** Harman J. [1955] Ch. 122; [1954] 3 W.L.R. 644.

Conception before marriage

Burden of proof.
Webb v. Webb, Karminski J. [1952] W.N. 102; [1952] 1 T.L.R. 453; [1952] 1 All E.R. 527.

Paternity

Jurisdiction

Registrar. **Nokes v. Nokes,** Barnard J. [1957] 2 W.L.R. 493.
C.A. [1957] P. 213; [1957] 3 W.L.R. 90.

Paternity issue. (*See also* **Presumption.**)

Estoppel—Husband denying paternity—Maintenance order in favour of "child of the "marriage" made by registrar—No jurisdiction in registrar to determine issue of paternity—Husband not estopped from denying paternity—Matrimonial Causes Act, 1950, s. 26 (1)—Matrimonal Causes Rules, 1950, rr. 27, 29 (1).
Nokes v. Nokes, Barnard J. [1957] 2 W.L.R. 493.
C.A. [1957] P. 213; [1957] 3 W.L.R. 90.

LEGITIMACY—*continued.*

Paternity (*Paternity issue*)—*continued.*

Husband's absence for period between 360 and 186 days before birth of child—Child apparently full-time and labour normal—Period between coition and conception—Whether possibility of birth 360 days after coition—Whether evidence conclusive of adultery. **Preston-Jones v. Preston-Jones,** H.L.(E.) [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124.

Presumption of legitimacy—Adultery by wife and marital intercourse at time of conception—Husband using contraceptive sheaths.
Francis v. Francis, Divl.Ct. [1960] P. 17; [1959] 3 W.L.R. 447.

Use of contraceptives at time of conception. **Watson v. Watson,** Barnard J. [1954] P. 48; [1953] 3 W.L.R. 708.

Wife's association with co-respondent—Subsequent birth of child—Whether husband the father—Whether presumption of legitimacy rebutted—Husband and wife sleeping together—Husband's evidence of no intercourse—Matrimonial Causes Act, 1950, s. 32 (1). **Cotton v. Cotton,** C.A. [1954] P. 305; [1954] 2 W.L.R. 947.

Validity of foreign decree

Consequential validity of subsequent marriage—Correct formalities followed by long cohabitation—Presumption or otherwise of validity of that marriage—Burden of proof.
Gatty (F. A.) and Gatty (P. V.) v. Attorney-General, Karminski J. [1951] P. 444; [1951] 2 T.L.R. 599.

Subsequent marriage

Disposition before marriage

Foreign domicile of father—Child legitimate by foreign law—Effect of Legitimacy Act, 1926, ss. 3, 8 (1) (2).
In re **Hurll, decd.,** Harman J. [1952] Ch. 722; [1952] 2 T.L.R. 85; [1952] 2 All E.R. 322.

Time at which earlier marriage dissolved

Decree absolute and birth of child on same day—Decree subsequent in time to birth—Whether mother married when illegitimate child born—Legitimacy Act, 1926, s. 1 (1) (2). **Kruhlak v. Kruhlak (No. 2),** Divl.Ct. [1958] 1 W.L.R. 606.

LIBEL AND SLANDER

Consolidation of actions. *See* Practice.

Defamatory statement

Dismissal

Statement that defendants had "dismissed" plaintiffs—Whether defamatory.
Morris v. Sanders Universal Products, C.A. [1954] 1 W.L.R. 67.

Evidence

Identification of plaintiff with person defamed

Article in newspaper alleged to be fiction—Statements made at public meetings—Anonymous telephone messages to plaintiff—Admissibility to prove plaintiff identified with fictitious character. **Jozwiak v. Sadek,** Ormerod J. [1954] 1 W.L.R. 275.

Fair comment

Interrogatories. See **Interrogatories.**

No facts stated in words complained of

Whether plea available—R.S.C., Ord. 19, r. 27; Ord. 25, r. 4.
Kemsley v. Foot, C.A. [1951] 2 K.B. 34; [1951] 1 T.L.R. 197; [1951] 1 All E.R. 331.
H.L.(E.) [1952] A.C. 345; [1952] 1 T.L.R. 532; [1952] 1 All E.R. 501.

Particulars

Fair comment on a matter of public interest pleaded—No rolled-up plea—Particulars ordered stating all the facts on which comment based.
Cunningham-Howie v. F. W. Dimbleby & Sons Ltd., C.A. [1951] 1 K.B. 360.

Test of fairness

Question of honesty.
Silkin v. Beaverbrook Newspapers Ltd., Diplock J. [1958] 1 W.L.R. 743.

Friendly society, action against

Libel in report

Read at general meeting—Occasion of qualified privilege—Independent right in each of trustees to publish report—Action against trustees—Against whom must action be brought—Friendly Societies Act, 1896, s. 94 (1).
Longdon-Griffiths v. Smith, Slade J. [1951] 1 K.B. 295; [1950] 2 All E.R. 662.

Interrogatories

Libel

Defence of fair comment—Plaintiff's reply of "express malice"—Interrogatories as to defendant's sources of information or grounds of belief—Whether prohibited—R.S.C., Ord. 31, r. 1a.
Adams v. Sunday Pictorial Newspapers (1920) Ltd., C.A. [1951] 1 K.B. 354; [1951] 1 All E.R. 865.

Jury, right to. *See* Practice.

LIBEL AND SLANDER—*continued.*

Newspaper

Absolute privilege

Statement by solicitor at criminal trial—Whether newspaper bound to verify accuracy.
Burnett & Hallamshire Fuel Ltd. v. Sheffield Telegraph & Star Ltd., Salmon J. [1960] 1 W.L.R. 502.

Statement by witness at criminal trial—One statement false—Comment made in newspaper—Whether plea of fair comment sustainable.
Grech v. Odhams Press Ltd., Donovan J. [1958] 1 Q.B. 310; [1957] 3 W.L.R. 942.
C.A. [1958] 2 Q.B. 275; [1958] 3 W.L.R. 16.

Qualified privilege

Report of foreign judicial proceedings—Trial of British subject—Report defamatory of third party—Whether report privileged.
Webb v. Times Publishing Co. Ltd., Pearson J. [1960] 2 Q.B. 535; [1960] 3 W.L.R. 352.

Request for apology—Form—"Public meeting"—Restricted admission—Members of students' federation and guests only—Defamation Act, 1952, s. 7, Sched., Pt. 2, para. 9.
Khan v. Ahmed, Lynskey J. [1957] 2 Q.B. 149; [1957] 2 W.L.R. 1060.

Republication

Innuendo—Onus of proof—Alleged misdirection.
"Truth" (N.Z.) Ltd. v. Holloway, J.C. [1960] 1 W.L.R. 997.

Pleadings

Libel

Allegation of libel in letters—Purported citation from unidentified documents—Contents of letters not known to plaintiff—Speculative pleading—R.S.C., Ord. 3, r. 9.
Collins v. Jones, C.A. [1955] 1 Q.B. 564; [1955] 2 W.L.R. 813.

Amendment—Newspaper article stating that writ for conspiracy had been issued against named persons—Original defence that words not defamatory—Leave sought to amend defence by adding alternative plea of justification—Supporting particulars limited to repeating statement that writ for conspiracy had been issued—Whether defence as amended should stand—Principles applicable—R.S.C., Ord. 25, r. 4.
Cadam v. Beaverbrook Newspapers Ltd., C.A. [1959] 1 Q.B. 413; [1959] 2 W.L.R. 324.

Conspiracy—No allegation of special damage—Amendment of statement of claim alleging conspiracy and special damage—No nexus alleged between slanders and damage—Amendment refused. **Ward v. Lewis,** C.A. [1955] 1 W.L.R. 69.

Fair comment. *See* **Fair comment.**

Innuendo—Application to strike out—R.S.C., Ord. 19, rr. 6 (2), 27; Ord. 25, r. 4.
Greenslade v. Swaffer, C.A. [1955] 1 W.L.R. 1109.

Reputation—Striking out—Defence—Mitigation of damage—Reputation of plaintiff—Admissibility of specific instances of misconduct—Different kinds of reputation—Necessity of pleading—New issue of fact—R.S.C., Ord. 19, r. 15; Ord. 21, r. 4.
Speidel v. Plato Films Ltd., C.A. [1960] 3 W.L.R. 391.

Preliminary point of law

Defamatory meaning

Whether statement capable of defamatory meaning not properly taken as preliminary point of law—R.S.C., Ord. 25, r. 2.
Morris v. Sanders Universal Products, C.A. [1954] 1 W.L.R. 67.

Duty to set down point for argument

Whether defence of fair comment available—R.S.C., Ord. 25, r. 2.
Kemsley v. Foot, C.A. [1951] 2 K.B. 34; [1951] 1 T.L.R. 197; [1951] 1 All E.R. 331.
H.L.(E.) [1952] A.C. 345; [1952] 1 T.L.R. 532; [1952] 1 All E.R. 501.

Privilege. (*See also* **Newspaper.**)

Absolute privilege

Judicial tribunal—Bar Council—Whether complaint to Council protected by absolute privilege. **Lincoln v. Daniels,** Salmon J. [1960] 1 W.L.R. 852.

Judicial tribunal—Disciplinary Committee of Law Society—Publication of order and findings relating to complaint against solicitor—Statements implicating third party not solicitor—Whether publication protected by absolute privilege—Solicitors Act, 1957, ss. 46 (1), 49—Solicitors (Disciplinary Proceedings) Rules, 1957, r. 21.
Addis v. Crocker, Gorman J. [1959] 3 W.L.R. 527.
C.A. [1960] 1 Q.B. 87; [1960] 3 W.L.R. 339.

Common interest

Moral duty or right to publish—Invigilator's remark to class that examinee had cheated—Special damage—Whether words spoken against plaintiff in way of his profession—Allegation of dishonesty a defamation of his general character.
Bridgman v. Stockdale, Ormerod J. [1953] 1 W.L.R. 704.

Qualified

Defendants trustees of friendly society—Malice of one—Effect on defence of others.
Longdon-Griffiths v. Smith, Slade J. [1951] 1 K.B. 295; 66 T.L.R. (Pt. 2) 627; [1950] 2 All E.R. 662.

Parliamentary papers—Report of select committee of House of Commons—Comment at the trial on proceedings and report of committee—Whether comment relevant—Parliamentary Papers Act, 1840, s. 3.
Dingle v. Associated Newspapers Ltd., Divl.Ct. [1960] 2 Q.B. 405; [1960] 2 W.L.R. 430.

LIBEL AND SLANDER—*continued.*

Separate trials

Libel and slander

Damages for both causes of action claimed in one statement of claim—Damages—Admissibility of evidence as to defendants' intention—Order for separate trials of libel slander—Whether severance justified—R.S.C., Ord. 18, rr. 1, 8, 9.

Bridgmont v. Associated Newspapers Ltd., C.A. [1951] 2 K.B. 578; [1951] 2 T.L.R. 682; [1951] 2 All E.R. 285.

Slander of title. *See* SLANDER OF TITLE.

Statement in open court

Settlement of libel action

Statement to be approved by judge in chambers—R.S.C., Ord. 22, r. 2 (4).

Liebrich v. Cassell & Co. Ltd. (Practice Note), Slade J. [1956] 1 W.L.R. 249.

Trial

Jury

Justification—Evidence to rebut justification not given by plaintiff—Trial stopped by jury before conclusion of evidence for defence—Award of one farthing damages—Right of plaintiff to give evidence in rebuttal of defence—Whether direction should have been given by judge to jury.

Beevis v. Dawson, Finnemore J. [1956] 2 Q.B. 165; [1956] 3 W.L.R. 161.
C.A. [1957] 1 Q.B. 195; [1956] 3 W.L.R. 1016.

LICENCE. (*See also* BUILDING; CONTRACT; LICENSING; OCCUPIERS' LIABILITY; PATENT; ROAD TRAFFIC; SHIPPING.)

Revocation

Gratuitous licence to construct sewer on licensor's land

Licensor unaware land his—Power to revoke licence.

Armstrong v. Sheppard & Short Ltd., C.A. [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84.

LICENCE OR TENANCY

Exclusive occupation. (*See also* POSSESSION; RATING.)

Members' club

Exclusive occupation—Materiality.

Addiscombe Garden Estates Ltd. v. Crabbe, C.A. [1958] 1 Q.B. 513; [1957] 3 W.L.R. 980.

Payment of rent

Hotel premises—Permissive occupation under business arrangement—Whether conclusive of tenancy. **Isaac v. Hotel de Paris Ltd.,** J.C. [1960] 1 W.L.R. 239.

Shop

Occupation of part.

Piper v. Muggleton, C.A. [1956] 2 Q.B. 569; [1956] 2 W.L.R. 1093.

Family arrangement

Tenant at will or licensee

House purchased by father as home for son and daughter-in-law—Lump sum paid by father—Mortgage instalments to be paid by son and daughter-in-law during occupation—Promise to transfer house to them when final instalment paid—Death of father—House left to widow—Daughter-in-law continued in occupation and paid instalments—Daughter-in-law's interest—Whether tenant at will or licensee.

Errington v. Errington, C.A. [1952] 1 K.B. 290; [1952] 1 T.L.R. 231; [1952] 1 All E.R. 149.

Limitation Act, 1939, ss. 4 (3), 9 (1), 16.

Cobb v. Lane, C.A. [1952] W.N. 196; [1952] 1 T.L.R. 1037; [1952] 1 All E.R. 199.

Holding over at end of lease

Intention

Company's lease of flat to managing director for seven years or earlier termination of managing directorship—Expiry—Continued occupancy.

Murray Bull & Co. Ltd. v. Murray, McNair J. [1953] 1 Q.B. 211; [1952] 2 T.L.R. 1003; [1952] 2 All E.R. 1079.

Mortgage

Instalments paid by occupiers

House purchased by father as home for son and daughter-in-law—Lump sum paid by father—Mortgage instalments to be paid by son and daughter-in-law during occupation—Promise to transfer house to son and daughter-in-law when final instalment paid—Interest of occupiers—Whether tenant at will or licensees.

Errington v. Errington, C.A. [1952] 1 K.B. 290; [1952] 1 T.L.R. 231; [1952] 1 All E.R. 149.

Leaseholds

Mortgage by way of legal charge—Lease forfeited for breach of covenant—Assignment of lease—Temporary occupation of basement by assignor—Whether tenant or licensee—Law of Property Act, 1925, s. 87 (1).

Grand Junction Co. Ld. v. Bates, Upjohn J. [1954] 2 Q.B. 160; [1954] 3 W.L.R. 45.

LICENCE OR TENANCY—*continued.*

Service agreement

Construction of agreement

Whether service tenancy or licence to occupy.
Facchini v. Bryson, C.A. [1952] 1 T.L.R. 1386.

Tenancy under Rent Restrictions Acts

Subsequent licence

Cottage let at rent—Subsequent arrangement for tenant to remain on till his death without paying rent—Daughter as administratrix claiming benefit of original contractual tenancy—Surrender by operation of law—No continuing tenancy under the Rent Restriction Acts.
Foster v. Robinson, C.A. [1951] 1 K.B. 149; [1950] 2 All E.R. 342.

Daughter of deceased statutory tenant permitted to remain in premises—Weekly payments accepted by landlords—Licence not tenancy granted.
Marcroft Wagons Ltd. v. Smith, C.A. [1951] 2 K.B. 496; [1951] 2 All E.R. 271.

LICENSING

Club. (*See also* **Forfeiture.**)

Search warrant

Execution on Sunday—Whether lawfully executed—Sunday Observance Act, 1677, s. 6—Magistrates' Courts Act, 1952, s. 102 (3)—Licensing Act, 1953, s. 152 (1).
Magee v. Morris, Divl.Ct. [1954] 1 W.L.R. 806.

Forfeiture

Conviction of " the owner or occupier "

Members' club—Unlawful sale of liquor—Seizure by police—Conviction of one member—Liquor forfeited—Whether member was " the owner or occupier "—Licensing Act, 1953, s. 152 (2). **Reg. v. Lewes Justices.** *Ex parte* **Plumpton & District Club Trustees,** Divl.Ct. [1960] 1 W.L.R. 700.

Gaming. *See* GAMING.

Hotel

Restricted licence

Whether occasional licence also may be granted—Licensing (Consolidation) Act, 1910, s. 64 (1) (3). **Brown v. Drew,** Divl.Ct. [1953] 2 Q.B. 257; [1953] 3 W.L.R. 472.

Justices

Bias. See JUSTICES.

Jurisdiction

Application for licence at general annual licensing meeting—Defect in applicant's notices—Adjournment—Valid technical objection at adjourned application—Justices' grant of further adjournment—Validity—Licensing (Consolidation) Act, 1910, s. 10 (4).
Rex v. Poole Justices; *Ex parte* **Miller,** Divl.Ct. [1951] 2 T.L.R. 261.

Application for new licence free from restrictions—Justices' declared policy of unwillingness to grant full licences in place of restricted ones—Regularity—Duty of justices to hear and determine each application on merits.
Rex v. Torquay Licensing Justices; *Ex parte* **Brookman,** Divl.Ct. [1951] 2 K.B. 784; [1951] 2 T.L.R. 652; [1951] 2 All E.R. 656.

Confirming authority—Removal of licence—Removal granted subject to confirmation—Death of licensee—Right of executrix to confirmation—Licensing Act, 1953, ss. 22, 25.
Reg. v. Derby Borough Justices' Confirming Authority. *Ex parte* **Blackshaw,** Divl.Ct. [1958] 1 Q.B. 36; [1957] 3 W.L.R. 591.

Meeting subsequent to general annual licensing meeting fixed beyond statutory period—Mandamus—Licensing Act, 1953, Sch. 2, Part I, para. 5.
Reg. v. Woodbury Licensing Justices. *Ex parte* **Rouse,** Divl.Ct. [1960] 1 W.L.R. 461.

Planning removal of licence—Administrative County of London—Consent of sub-committee and licensing planning committee—Condition imposed by licensing planning committee—Validity of condition—Whether justices have power to grant planning removal of licence with invalid condition attached—Mandamus—Licensing Act, 1953, s. 58 (2). **Regina v. City of London Licensing Justices.** *Ex parte* **Stewart,** Divl.Ct. [1954] 1 W.L.R. 1325.

Power to accept surrender of an existing licence for the purpose of granting a different licence—Licensing Act, 1953, s. 7.
Regina v. Godalming Licensing Committee. *Ex parte* **Knight,** Divl.Ct. [1955] 1 W.L.R. 600.

Licensed premises

Drinking after hours

Counselling and procuring—Drinking after hours by customers at public house—Waiters acting contrary to licensee's instructions—Licensee's lack of knowledge—Liability—Summary Jurisdiction Act, 1848, s. 5—Licensing Act, 1921, s. 4.
Ferguson v. Weaving, Divl.Ct. [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412.

Drunk on licensed premises

Hire of room—Room in public house privately hired for wedding party—Guests found drunk in room—Licensing Act, 1872, s. 12.
Stevens v. Beattie, Divl.Ct. [1952] W.N. 340.

LICENSING—*continued.*

Licensed premises—*continued.*

Friends entertained by licensee

Supply by licensee of drink to staff after closing time—Staff employed by brewery company—Drinks debited to company—Whether staff "private friends" of licensee "entertained at his own expense"—Licensing Act, 1953, s. 100 (1) (*a*), (2) (*c*).
Schofield v. Jones, Divl.Ct. [1955] 1 W.L.R. 1133.

Intoxicating liquor taken from premises

"Take from"—Crate of liquor deposited on floor in entrance hall of licensed premises—Intention to remove crate into highway—Licensing Act, 1953, s. 100 (1) (*b*).
Pender v. Smith, Divl.Ct. [1959] 2 Q.B. 84; [1959] 2 W.L.R. 794.

Police right to enter

Obstruction—Attempted entry by police—Warning given to licensee by third party—Police detained from entering—Whether obstruction of police in execution of duty—Prevention of Crimes Amendment Act, 1885, s. 2—Licensing Act, 1953, s. 151 (1).
Hinchliffe v. Sheldon, Divl.Ct. [1955] 1 W.L.R. 1207.

Occasional licence. (*See also* **Hotel.**)

Christmas

Application for occasional licence in Brighton by holder of a full on-licence in Taunton—Justices' consent to occasional licence for off-licence premises "on the occasion of "Christmas shopping facilities"—Consent given on condition that no liquor sold for consumption on the premises—"Occasion"—Whether occasional licence can be off-licence—Validity of justices' consent—Where consent administrative or judicial act—Customs and Excise Act, 1952, s. 151—Licensing Act, 1953, s. 148.
Regina v. Brighton Borough Justices. *Ex parte* **Jarvis,** Divl.Ct. [1954] 1 W.L.R. 203.

Passenger vessels

Sale outside "permitted hours"

Excise licence—Sale of intoxicating liquors outside "permitted hours"—Legality—Finance (1909–10) Act, 1910, s. 43, Sch. I—Licensing (Consolidation) Act, 1910, s. 111—Licensing Act, 1921, s. 18.
Green v. Thames Launches Ltd., Lord Goddard C.J. [1952] 2 Q.B. 725; [1952] 2 T.L.R. 180; [1952] 2 All E.R. 332.

Restaurant

"Rooms for the accommodation of the public"

Whether at least two rooms must be available for consumption of liquor—Licensing Act, 1953, ss. 32 (1) (*a*), 34 (2).
Regina v. Middlesex County Confirming and Compensation Committee. *Ex parte* **Frost,** Divl.Ct. [1956] 1 W.L.R. 995.

Theatre. *See* THEATRE.

LICENSOR AND LICENSEE. *See* OCCUPIERS' LIABILITY.

LIEN. *See* SALE OF GOODS; SOLICITOR; VENDOR AND PURCHASER.

LIMITATION OF ACTION

Acknowledgment

Debt

Documents signed by party interested in debt—Company balance-sheets—Auditors' certificate—Whether agents of company—Limitation Act, 1939.
In re **Transplanters (Holding Company) Ltd.,** Wynn-Parry J. [1958] 1 W.L.R. 822.

Mortgage

Possession—No interest paid for over 12 years—Acknowledgment in solicitor's letter—Authority—Limitation Act, 1939, ss. 4 (3), 18 (4), 23 (1), 24 (1), (2).
Wright v. Pepin, Harman J. [1954] 1 W.L.R. 635.

Administration of estates

Assets, recovery of

Money paid to charities under mistake of law—Recovery by next-of-kin—Period of limitation—Limitation Act, 1939, s. 20.
Minister of Health v. Simpson, H.L.(E.) [1951] A.C. 251; [1950] 2 All E.R. 1137.

Banking

Stock

Transfer—Transfers forged by trustee—Claim for restoration to register by surviving trustee—Bank of England public authority—Limitation Act, 1939, ss. 2, 21.
Welch v. Bank of England, Harman J. [1955] Ch. 508; [1955] 2 W.L.R. 757.

Bankruptcy

Mortgage

Order in bankruptcy against mortgagor—Rights of mortgagee not barred before bankruptcy—Whether time runs—Notice to trustee to elect whether to redeem security—Whether effective—Bankruptcy Act, 1914, Sch. II, r. 13 (*c*).
Cotterell v. Price, Buckley J. [1960] 1 W.L.R. 1097.

LIMITATION OF ACTION—*continued.*

Breach of promise

Promise by married man

Wife unaware of previous marriage—Implied warranty—Death of man intestate—Accrual of causes of action—Fraud—Limitation Act, 1939, ss. 2 (1), 26 (*b*).
Shaw v. Shaw, C.A. [1954] P. 429; [1954] 3 W.L.R. 265.

Concealment by fraud

Solicitor

Negligence—Failure to issue writ in due time—Plaintiff's claim under Fatal Accidents Acts lost—Claim against solicitor after 13 years—Whether "right of action . . . concealed by . . . fraud"—Limitation Act, 1939, s. 26 (*b*).
Kitchen v. Royal Air Force Association, C.A. [1958] 1 W.L.R. 563.

Contract

Underpayments of salary received by mistake

Action for account and for recovery of money due under contract—Claim barried after six years—Limitation Act, 1939, s. 26 (*a*) (*b*) and (*c*).
Phillips-Higgins v. Harper, Pearson J. [1954] 2 W.L.R. 117.
C.A. [1954] 1 Q.B. 411; [1954] 2 W.L.R. 782.

Crime

Continuing offence

Litter depositing—Magistrates' Courts Act, 1952, s. 104.
Vaughan v. Biggs, Divl.Ct. [1960] 1 W.L.R. 622.

Death of tortfeasor

Limitation applicable

Lapse of six years—Letters of administration taken out—Action brought within six months thereafter—Whether action statute-barred—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1) (3)—Limitation Act, 1939, ss. 2, 32.
Airey v. Airey, Diplock J. and C.A. [1958] 1 W.L.R. 729.

Family provision. *See* FAMILY PROVISION.

Fraudulent breach of trust

Transfer of part of proceeds to innocent third party

Claim by beneficiary to recover from third party—Whether limitation applicable to such claim—Limitation Act, 1939, ss. 19, 26.
G. L. Baker Ltd. v. Medway Buildings and Supplies Ltd., Danckwerts J.
C.A. [1958] 1 W.L.R. 1216

Gas

Nationalisation

Action against Gas Board for breach of statutory duty of predecessors—Whether six years' or three years' limitation—Limitation Act, 1939, s. 2 (1)—Gas Act, 1948, ss. 14 (2), 17 (1), (5). **Coote v. Eastern Gas Board,** Byrne J. [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592.

Joint tortfeasors. *See* JOINT TORTFEASORS.

Land, recovery of

Squatter's title

User of land by trespasser for over 12 years—No discontinuance of possession by owners—Whether owners dispossessed—Acts of user consistent with intended purpose of owners—Limitation Act, 1939, ss. 4 (3), 5 (1), 10 (1).
Williams Brothers Direct Supply Ltd. v. Raftery, C.A. [1958] 1 Q.B. 159; [1957] 3 W.L.R. 931.

Landlord and tenant

Rent restriction

No rent paid under weekly tenancy after 1938—Premises becoming controlled on September 1, 1939—Landlord's claim to possession in 1952—Whether title extinguished—Limitation Act, 1939, ss. 4 (3), 9 (2), 10 (1).
Moses v. Lovegrove, C.A. [1952] 2 Q.B. 533; [1952] 1 T.L.R. 1324; [1952] 1 All E.R. 1279

Order for possession against statutory tenant in 1935 — Execution of order suspended indefinitely—Order statute barred—Death of tenant—Right of landlord to possession against tenant's niece—Small Tenements Recovery Act, 1838, s. 1—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*)—Rent and Mortgage Interest Restrictions Act, 1923, s. 4 (2) (4)—Limitation Act, 1939, s. 2 (4).
Mills v. Allen, C.A. [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356.

Premium — Recovery — Rent and Mortgage Interest Restrictions Act, 1923, s. 8 (2) — Landlord and Tenant (Rent Control) Act, 1949, s. 2 (5).
Temple v. Lewis, C.A. [1954] 1 Q.B. 22; [1953] 3 W.L.R. 762.

Tenant at will

Dwelling-house occupied rent-free under family arrangement—Tenancy at will or licence—Limitation Act, 1939, ss. 4 (3), 9 (1), 16.
Cobb v. Lane, C.A. [1952] W.N. 196; [1952] 1 T.L.R. 1037; [1952] 1 All E.R. 1199.

Legal charge. *See* **Mortgage.**

LIMITATION OF ACTION—*continued.*

Local authority

Act ultra vires

Whether continuing default—Grant of lease by local authority in 1932—Failure of local authority to obtain consent of Minister of Health—Whether Limitation Act, 1939, applicable—Limitation Act, 1939.
Rhyl Urban District Council v. Rhyl Amusements Ltd., Harman J. [1959] 1 W.L.R. 465.

Money claims made following alteration of boundaries

Arbitration 16 years after orders of Minister—Whether claims within provisions of Limitation Act and statute barred—Local Government Act, 1933, s. 151—Limitation Act, 1939, ss. 2 (1) (*d*), 27.
West Riding County Council v. Huddersfield Corporation, Lord Goddard C.J. [1957] 1 Q.B. 540; [1957] 2 W.L.R. 428.

Malta

Action, brought within time, raising invalidity of statute

Subsequent ad hoc action to test validity—Second action instituted out of time—Both actions forming one set of legal proceedings—Second action not time-barred—Customs Duty (Appropriation) Act, No. XIV of 1950—Malta (Constitution) Letters Patent, 1947, s. 39. **Olivier v. Coleiro,** J.C. [1954] 1 W.L.R. 845.

Moneylender. *See* MONEYLENDER.

Mortgage. (*See also* **Acknowledgment.**)

Charge to secure repayment to bank " on demand " of moneys due on current account

Foreclosure proceedings by bank within 12 years of demand but over 12 years after advance—Effect of covenant to repay " on demand "—Charge in favour of bank a collateral security—Limitation Act, 1939, ss. 4 (3), 18 (4).
Lloyds Bank Ld. v. Margolis, Upjohn J. [1954] 1 W.L.R. 644.

Receiver

Corporate body—Acknowledgment—Action against sureties 13 years after original default of mortgagor company—Appointment of bodies corporate as successive receivers—Periodical sums paid by receivers to mortgagees—Limitation Act pleaded by sureties—Appointment of receivers a nullity—Receivers not agents of mortgagor—Law of Property Act, 1925, s. 109 (2)—Companies Act, 1929, s. 306 (1)—Companies Act, 1948, s. 366. **Portman Building Society v. Gallwey,** Wynn-Parry J. [1955] 1 W.L.R. 96.

Second Mortgage

Order in bankruptcy against mortgagor—Second mortgagee's rights against mortgagor statute barred—Whether entitled to redeem first mortgage—Law of Property Act, 1925, s. 95. **Cotterell v. Price,** Buckley J. [1960] 1 W.L.R. 1097.

Negligence

Injury caused by acts outside statutory period

Injury first discovered within statutory period—Limitation Act, 1939, s. 2 (1).
Archer v. Catton & Co. Ltd., Streatfeild J. [1954] 1 W.L.R. 775.

Injury partly caused outside statutory period—Materially contributed to within statutory period—Measure of damages—Limitation Act, 1939, s. 2 (1).
Clarkson v. Modern Foundries Ltd., Donovan J. [1957] 1 W.L.R. 1210.

Public authority. (*See also* **Local authority.**)

Persons protected

Armed forces—Canadian soldier driving army truck on military duty—Accident—Claim against soldier—Action not begun within 12 months—Action not maintainable—Principle applicable to Commonwealth soldier serving in United Kingdom—Limitation Act, 1939, s. 21 (1)—Visiting Forces (British Commonwealth) Act, 1933, s. 2 (3) (*b*).
Reeves v. Deane-Freeman, Lord Goddard C.J. [1952] W.N. 415; [1952] 2 T.L.R. 361; [1952] 2 All E.R. 506.
C.A. [1953] 1 Q.B. 459; [1953] 2 W.L.R. 391.

Harbour board authorised to carry on business of warehousemen—Public Authorities Protection Ordinance (c. 14 of 1936 ed. of Straits Settlements Ordinances, as amended by Ordinance No. 19 of 1939), s. 2 (1), (2)—Singapore Ports Ordinance (c. 149 of 1936 Ordinances), s. 73 (*c*).
Firestone Tyre and Rubber Co. (S.S.) Ltd. v. Singapore Harbour Board, J.C. [1952] A.C. 452; [1952] 1 T.L.R. 1625; [1952] 2 All E.R. 219.

Justices—Action against—False imprisonment—Maintenance order made without jurisdiction—Committal to prison for non-payment of arrears—Accrual of cause of action —Whether date of false imprisonment or discharge of order—Limitation Act, 1939, s. 21. **O'Connor v. Isaacs,** Diplock J. [1956] 2 W.L.R. 585;
C.A. [1956] 2 Q.B. 288; [1956] 3 W.L.R. 172.

National Health Service—Hospital—Duty of Minister to provide " services of specialists " —Specialist performing services as agent of Minister protected by statutory limitation period—Limitation Act, 1939, s. 21 (1).
Razzel v. Snowball, C.A. [1954] 1 W.L.R. 1382.

——— ——— Specialist employed part-time by hospital—Injury to patient—Person acting on behalf of hospital board in execution of public duty—Limitation Act, 1939, s. 21 (1). **Higgins v. North West Metropolitan Hospital Board,** Pilcher J. [1954] 1 W.L.R. 411.

LIMITATION OF ACTION—*continued.*
Public authority (*Persons protected*)—*continued.*
Nationalized body—British Overseas Airways Corporation—Injury to employee of corporation while disposing of waste oil drained from aircraft—Corporation a public authority performing function incidental to their public duty—Limitation Act, 1939, s. 21 (1)—Civil Aviation Act, 1946, ss. 2 (1), 17, 18.
Littlewood v. George Wimpey & Co. Ld. and B.O.A.C., Parker J. [1953] 1 W.L.R. 426.
(C.A. [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553.)
(H.L.(E.) [1955] A.C. 169; [1954] 3 W.L.R. 932.)
Rating
Recovery of general rate
Issue of distress warrant more than six years after accrual of general rate—" Actions to " recover any sum recoverable by virtue of any enactment "—" Action "—" Proceeding " in a court of law "—Limitation Act, 1939, ss. 2 (1), 31.
China v. Harrow Urban District Council, Divl.Ct. [1954] 1 Q.B. 178; [1953] 3 W.L.R. 885.
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Revenue
" Suit for any offence "
" Forfeiture "—Customs Consolidation Act, 1876, s. 257.
Commissioners of Customs and Excise v. Sokolow's Trustee, Hilbery J. [1954] 2 Q.B. 336; [1954] 2 W.L.R. 575.
Vested right to limit. (*See also* **Writ**.)
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Misdescription of parties.
In re **Nos. 55 & 57, Holmes Road, Kentish Town,** Harman J. [1958] 2 W.L.R. 975.
New cause of action set up.
Hall v. Meyrick, C.A. [1957] 2 Q.B. 455; [1957] 3 W.L.R. 273.
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Writ, failure to serve. *See* PRACTICE.

LIMITATION OF LIABILITY
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LITERARY SOCIETY. (*See also* RATING.)
Dissolution
Jurisdiction of court
Motion for order dissolving society—Disposal of funds—Literary and Scientific Institutions Act, 1854, ss. 29, 30. *In re* **Harrow Literary Institution,** Vaisey J. [1953] 1 W.L.R. 551.

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LOCAL GOVERNMENT. (*See also* COMPULSORY PURCHASE; EDUCATION; HIGHWAY; LIMITATION OF ACTIONS; METROPOLIS; PUBLIC HEALTH.)
Alteration of areas
Financial adjustment
Increase of burden on ratepayers—Areas transferred from two rural districts into borough by local Act—Subsequent union of same two rural districts by order—Effect on claim for financial adjustment—Local Government Act, 1933, ss. 151, 152, Schd. V—Newport Extension Act, 1934, ss. 4, 58. **Magor and St. Mellons R. D. C. v. Newport Borough Council,** H.L.(E.) [1952] A.C. 189; [1951] 2 T.L.R. 935; [1951] 2 All E.R. 839.
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Contract
Seal
Demolition contract with corporation not under seal—Whether enforceable—Law of Property Act, 1925, s. 74 (2)—Local Government Act, 1933, s. 266.
A. R. Wright & Son Ltd. v. Romford Borough Council, Lord Goddard C.J. [1957] 1 Q.B. 431; [1956] 3 W.L.R. 896.
District auditor
Surcharge
Appeal to Minister from refusal by district auditor to surcharge—Minister's direction to district auditor to surcharge—Surcharge imposed by district auditor in pursuance of Minister's direction—Whether appeal lies to High Court against surcharge so imposed—Whether persons so surcharged may apply for relief to High Court—Local Government Act, 1933, ss. 229, 230.
Dean v. District Auditor for Ashton-in-Makerfield, Divl.Ct. [1960] 1 Q.B. 149; [1959] 3 W.L.R. 225.
Duty to surcharge local authority for loss arising from " negligence "—Contractors paid in full for defective work—Refusal by auditor to surcharge—Finding that no gross negligence involved—Proper test to be applied—Degree of negligence not relevant—Local Government Act, 1933, ss. 226, 228, 229.
Pentecost v. London District Auditor, Divl.Ct. [1951] 2 K.B. 759; [1951] 2 T.L.R. 497; [1951] 2 All E.R. 330.

LOCAL GOVERNMENT—*continued.*

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Surplus net revenue from electricity undertaking—Whether part of general rate fund—Nationalisation. **Reg. v. Minister of Housing and Local Government.** *Ex parte* **Hove Corp.,** C.A. [1952] W.N. 373; [1952] 2 T.L.R. 203.

Lease from local authority

Validity

Deed of surrender of tenancy—Surrender expressed to be in consideration of grant of new lease—Grant of new lease—Failure of local authority to obtain consent of Minister of Health to grant of lease—New lease ultra vires and void—Whether local authority estopped from denying validity of new lease—Whether surrender effective—Public Health Act, 1875, s. 177.
Rhyl Urban District Council v. Rhyl Amusements Ltd., Harman J. [1959] 1 W.L.R. 465.

London. *See* METROPOLIS.

Meeting of local authority

Voting

Pecuniary interest—Members of local authority also tenants of council houses—Whether permitted to vote against their pecuniary advantage on matters affecting rents of council houses—"Pecuniary interest"—Meaning—Whether houses provided by local authority a "service"—Local Government Act, 1933, s. 76 (1) and proviso.
Brown v. Director of Public Prosecutions, Divl.Ct. [1956] 2 Q.B. 369; [1956] 2 W.L.R. 1087.

——— Member of local authority director of local building firm—Whether permitted to vote on matters relating to tenders—Whether mere right to tender in future constitutes direct pecuniary interest—"Pecuniary interest in any contract . . . or other matter"—Local Government Act, 1933, s. 76 (1).
Rands v. Oldroyd, Divl.Ct. [1959] 1 Q.B. 204; [1958] 3 W.L.R. 583.

Member of local authority

Disqualification

Paid office "in the gift or disposal" of local authority—Assistant master of county secondary school member of local council—Local Government Act, 1933, s. 59 (1) (*a*).
Lamb v. Jeffries, Divl.Ct. [1956] 1 Q.B. 431; [1956] 2 W.L.R. 366.

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Non-feasance. (*See also* HIGHWAY.)

Drain—Flooding of land through non-repair of drains—Whether local authority liable—Whether personal right of action maintainable by landowner.
Attorney-General v. St. Ives R. D. C., Salmon J. [1960] 1 Q.B. 312; [1959] 3 W.L.R. 575.

River pollution—Sewage and heated effluent—Action by riparian owners—Injunction—Derby Corporation Act, 1901, s. 109, 113—Derbyshire and Nottinghamshire Electric Power Act, 1929, s. 37—Electricity Act, 1947, s. 57.
Pride of Derby and Derbyshire Angling Association Ltd. v. British Celanese Ltd., [1952] W.N. 227; [1952] 1 T.L.R. 1013; [1952] 1 All E.R. 1326. C.A. [1953] Ch. 149; [1953] 2 W.L.R. 58.

Pension. (*See also* METROPOLIS; POLICE.)

Appeal

Employee's claim for superannuation supported by employing rural district council—Superannuation fund maintained and administered by county council—Claim rejected by administering authority—"Authority concerned"—Local Government Superannuation Act, 1937, ss. 8, 35
Walter v. Eton Rural District Council, C.A. [1951] 1 K.B. 84.

Application for increase

Treasury regulation—Claims to be made "as soon as practicable"—No time limit for making claim—Pensions (Increase) Act, 1944, ss. 1, 3 (5)—Increase of Pensions (General) Regulations, 1944, art. 4.
Rex v. Eastbourne Corporation; *Ex parte* **Alder,** Divl.Ct. [1951] W.N. 458.

Powers. (*See also* **Corporation.**)

Delegation

Local authority's delegation of powers and duties to committee—Members of committee appointed for ensuing year—Power of local authority to determine membership of committee within the year—Local Government Act, 1933, ss. 85, 96, and Sch. III, Part V, cl. 4. **Manton v. Brighton Corporation,** Slade J. [1951] 2 K.B. 393; [1951] 1 T.L.R. 1105; [1951] 2 All E.R. 101.

Duty to exercise statutory discretion

Resolution by local authority to bear whole of rent increases of derequisitioned properties—Whether periodic reviews called for—Requisitioned Houses and Housing (Amendment) Act, 1955, s. 4 (4). **Taylor v. Munrow,** Divl.Ct. [1960] 1 W.L.R. 151.

Education

Teacher—Duties—School meals service—Refusal by members of teachers' association to collect money for school meals—Resolution by local education authority that members of association refusing to collect money be dismissed—Education Act, 1944, s. 49. **Price v. Sunderland Corpn.,** Barry J. [1956] 1 W.L.R. 1253.

LOCAL GOVERNMENT—*continued.*

Powers—*continued.*

Highway

Creation of one-way street—Power under early Act—" Route to be observed "—" Public " processions, rejoicings or illuminations "—" and in any case "—Limited power under later Act—No order by Minister under later Act—Whether order valid—Town Police Clauses Act, 1847, s. 21—Road Traffic Act, 1930, s. 46 (1) and (2), as amended by Road and Rail Traffic Act, 1933, s. 29 (4).
Brownsea Haven Properties Ltd. v. Poole Corporation,
Vaisey J. [1957] 3 W.L.R. 669.
C.A. [1958] Ch. 574; [1958] 2 W.L.R. 137.

Legal proceedings

Rural district council's resolution to take legal proceedings—Proceedings instituted by clerk to counsel—No resolution appointing clerk to act—Proceedings invalid—Control of Building Operations (Proceedings by Local Authorities) (No. 1) Order, 1947.
Bob Keats Ltd. v. Farrant, Divl.Ct. [1951] W.N. 222; [1951] 1 T.L.R. 818;
[1951] 1 All E.R. 899.

Parish council

Power to accept gift for " any local public purpose "—Whether activities charitable—Local Government Act, 1933, s. 268—Physical Training and Recreation Act, 1937, s. 4—Recreational Charities Act, 1958, s. 1.
In re **Endacott, decd.,** C.A. [1960] Ch. 232; [1959] 3 W.L.R. 799.

Transport

Free travel concessions for qualified persons—Contribution of one local authority to costs of another—How assessed—Public Service Vehicles (Travel Concessions) Act, 1955, s. 1 (4). **Litherland Urban District Council v. Liverpool Corporation,**
Harman J. [1958] 1 W.L.R. 913.

————————— Payment out of general rate fund—Validity—Birmingham Corporation Act, 1903, s. 31—Birmingham Corporation Act, 1914, s. 12 (1)—Birmingham Corporation Act, 1954, ss. 51, 55—Road Traffic Act, 1930, s. 104.
Prescott v. Birmingham Corporation, Vaisey J. [1954] 3 W.L.R. 600.
C.A. [1955] Ch. 210; [1954] 3 W.L.R. 990.

Property

Damage to. See METROPOLIS (**London Government Act**).

LOGBOOK

Admissibility in evidence. *See* SHIPPING.

LONDON

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MAINTENANCE

See HUSBAND AND WIFE; INFANT.

MAINTENANCE OF SUIT

Common interest

Summons to stay proceedings

Unincorporated association supporting action for river pollution by plaintiffs with legal interests in river—Association having character of mutual protection society—Plaintiffs indemnified against costs—Interest of association sufficient to refute charge of illegal maintenance—Whether procedure by way of application for stay appropriate..
Martell v. Consett Iron Co. Ld., Danckwerts J. [1954] 3 W.L.R. 648.
C.A. [1955] Ch. 363; [1955] 2 W.L.R. 463.

Unincorporated association

Libel actions against officers and members of central council—Defendants' costs paid out of association's funds. **Baker v. Jones,** Lynskey J. [1954] 1 W.L.R. 1005.

MALAYA. (*See also* SINGAPORE.)

Criminal law

Carrying a firearm without lawful authority

Lawful excuse a distinct issue—Capable of proof by supervening events—Government pamphlets relevant—Emergency Regulations, 1951, reg. 4 (1) (*a*).
Wong Pooh Yin v. Public Prosecutor, J.C. [1955] A.C. 93; [1954] 3 W.L.R. 471.

Evidence

Hearsay

Admissible to show fact that statement was made—Criminal law—Charge of carrying ammunition—Defence of duress—Hearsay evidence wrongly excluded—Implication from exclusion—Federation of Malaya Emergency Regulations, 1951 (as amended by L.N. 363/1-7-52), reg. 4 (1) (*b*)—Penal Code (Laws of the Federated Malay States, c. 45), s. 94. **Subramaniam v. Public Prosecutor,** J.C. [1956] 1 W.L.R. 965.

MALAYA—*continued.*

Land

Claim to set aside transfer

Occupation period—Duress—Knowledge of duress in transferee to be established—Titles to Land (Occupation Period) Ordinance, No. 39 of 1949, s. 27 (1) (5)—Land Code of the Federated Malay States (F.M.S. c. 138), ss. 2, 42.

Kesarmal v. Yalliappa Chettiar, J.C. [1954] 1 W.L.R. 380.

Pre-occupation debt

Repayment

Capital debt—Whether prior demand by creditor—Onus of proof—Wrong direction—No substantial injustice—No ground for new trial—Debtor and Creditor (Occupation Period) Ordinance, No. 42 of 1948, s. 4 (2) (*b*) (ii).

Letchumanan Chettiar v. Sadayappa Chettiar, J.C. [1953] 1 W.L.R. 269.

Revenue

Income tax

Company—Dividend—Paid out of "chargeable income" for year of assessment—Discretionary statutory deduction—Failure of Comptroller to exercise discretion—Practice—Matter remitted to Comptroller for discretionary consideration—Income Tax Ordinance, No. 48 of 1947, of the Federation of Malaya (as amended by the Income Tax (Amendment) Ordinance, No. 6 of 1951), ss. 39 (*a*) proviso, 75 (1).

Comptroller of Income Tax v. Harrisons and Crosfield (Malaya) Ltd., J.C. [1956] A.C. 459; [1956] 2 W.L.R. 834.

Solicitor

Discipline

"Grossly improper conduct"—Intention to deceive—Requisition for company meeting—Signatures from original document pasted on to new amended document—Some signatories no longer shareholders—No intention to deceive—Advocates and Solicitors Ordinance, No. 4 of 1947, ss. 26, 27.

Rajasooria v. Disciplinary Committee, J.C. [1955] 1 W.L.R. 405.

Will

Construction

Marriage condition—Gift of personalty—Condition subsequent—In partial restraint of marriage—No gift over—In terrorem condition—Interest not forfeited on remarriage—English rule applicable in Federation of Malaya—Intention of testator—To be extracted from the will—Extraneous evidence inadmissible.

Leong v. Chye, J.C. [1955] A.C. 648; [1955] 3 W.L.R. 303.

MALICIOUS PROSECUTION

Damages supporting action

Statutory offence punishable by fine

Whether action lies—Conviction quashed on appeal—Award of costs by quarter sessions—Whether charge itself sufficient to support action—Whether "fair fame" of person charged injured—Whether charge defamatory—Whether difference between costs awarded and costs incurred sufficient special damage to found action—Regulation of Railways Act, 1868, s. 22—Summary Jurisdiction (Appeals) Act, 1933, ss. 1, 5.

Berry v. British Transport Commission, Diplock J. [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666.

Private prosecution

Prosecuting solicitor's view

No sufficient evidence against person charged—Request for remand to consult prosecutor—Whether prosecution malicious.

John Lewis & Co. v. Tims, C.A. [1951] 2 K.B. 459; [1951] 1 T.L.R. 719; [1951] 1 All E.R. 814.
H.L.(E.) [1952] A.C. 676; [1952] 1 T.L.R. 1132; [1952] 1 All E.R. 1203.

Reasonable and probable cause

Evidence

Evidence on which jury could conclude that prosecutor did not honestly believe plaintiff was guilty.

Leibo v. D. Buckman Ltd., C.A. [1952] W.N. 547; [1952] 2 T.L.R. 969; [1952] 2 All E.R. 1057.

Question for jury

Honest belief—"Did the defendant honestly believe that there were reasonable grounds "for instituting the prosecution"—Whether proper question for jury.

Tempest v. Snowden, C.A. [1952] 1 K.B. 130; [1951] 2 T.L.R. 1201; [1952] 1 All E.R. 1.

Successful proceedings

Whether action lies

Proceedings complained of not ending in plaintiff's favour—Plaintiff bound over—Action not maintainable.

Everett v. Ribbands, Devlin J. [1952] 1 K.B. 112; [1951] 2 T.L.R. 829; [1951] 2 All E.R. 818.
C.A. [1952] 2 Q.B. 198; [1952] 1 T.L.R. 933; [1952] 1 All E.R. 823.

MALTA

Landlord and tenant

Jurisdiction

Lease of cinemas, equipment and goodwill—Claim to recover possession—Business concern—Competency of ordinary courts—Reletting of Urban Property (Regulation) Ordinance, No. XXI of 1931, s. 2. **Bonett v. Axisa,** J.C. [1951] A.C. 62.

Limitation of action

Action, brought within time, raising invalidity of statute

Subsequent ad hoc action to test validity—Second action instituted out of time—Both actions forming one set of legal proceedings—Second action not time-barred—Customs Duty (Appropriation) Act, No. XIV of 1950—Malta (Constitution) Letters Patent, 1947, s. 39. **Olivier v. Coleiro,** J.C. [1954] 1 W.L.R. 845.

Pre-emption

Immovable property

Judicial sale by auction—" Absent persons "—Conditions limiting right of pre-emption—Publication of notice of sale at least one month before the day fixed for the sale—" Day fixed for sale " in the notice—Code of Organization and Civil Procedure (c. 15), ss. 314, 356—Civil Code (c. 23), s. 1520 (1) (2). **Vincenti v. Borg,** J.C. [1955] 1 W.L.R. 1137.

Trade mark

Registration

" Bata "—Printed in large cursive style—Particular and distinctive manner—Distinctive device or a fancy word—Industrial Property (Protection) Ordinance, Laws of Malta, 1942 Rev., c. 48, s. 83 (*a*) (*c*). **Edgar Staines v. Victor La Rosa,** J.C. [1953] 1 W.L.R. 474.

MANDAMUS

See CROWN PRACTICE.

MANORIAL RIGHTS

Toll

Rights of " men and tenants " of manor of Bosham

Exemption from toll—Manor adjoining sea—Quay built on foreshore owned by lord—Used by defendant for boat repairs—Whether a man or tenant of the manor—Liability for toll for mooring boats and use of quay—" Toll "—" man of Bosham."
Iveagh v. Martin, Paull J. [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210.

MARINE INSURANCE

See INSURANCE (**Marine**).

MARKET

Disturbance

Rival market

Purchase outside—Market in live pigs and pig carcases—Scheme between Ministry and co-operative society whereby live pigs and pig carcases sent to society's premises—Whether rival market—Object of scheme not the evasion of tolls—Whether any other form of disturbance.
Scottish Co-operative Wholesale Society Ltd. v. Ulster Farmers' Mart Co. Ltd., H.L. (N.I.) [1960] A.C. 63; [1959] 2 W.L.R. 857.

Stallage

Charges

Right of owner of soil to charge at discretion for stallage—Reasonableness—Statute of Westminster I, 1275.
Att.-Gen. v. Colchester Corpn., Danckwerts J. [1952] Ch. 586; [1952] 2 T.L.R. 49; [1952] 2 All E.R. 297.

MARRIAGE. *See* HUSBAND AND WIFE; SETTLEMENT; WILL.

MASTER AND SERVANT. (*See also* NEGLIGENCE (*Safe system of work*); VICARIOUS LIABILITY.)

Apprentice

Agreement

Arbitration clause—Action by infant apprentice—Agreement for benefit of infant—Stay of proceedings. **Slade v. Metrodent,** McNair J. [1953] 2 Q.B. 112; [1953] 2 W.L.R. 1202.

Execution by apprentice, not by master—Rubber stamp—Subsequent affirmation to third party — Whether enforceable against master — Dismissal of apprentice — Breach — Apprentices Act, 1814, s. 2. **McDonald v. John Twiname Ld.,** C.A. [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347.

Catering Wages Act. (*See* CATERING WAGES.)

Commission

Turnover

" On turnover of the company's annual business "—Meaning of turnover—Whether lump-sum payments under settlements of war-time contracts included.
Aris-Bainbridge v. Turner Manufacturing Co. Ltd., McNair J. [1951] 1 K.B. 563; [1951] 1 T.L.R. 47; [1950] 2 All E.R. 1178.

MASTER AND SERVANT—*continued.*

Commission—*continued.*

Wrongful dismissal

Commercial traveller—Remuneration by salary and commission—Measure of damages—Whether entitled to commission on orders executed after termination of employment.
Sellers v. London Counties Newspapers, C.A. [1951] 1 K.B. 784; [1951] 1 All E.R. 544.

Common employment. *See* NEGLIGENCE.

Company director

Whether servant of company

Managing director employed as chief pilot.
Lee v. Lee's Air Farming Ltd., J.C. [1961] A.C. 12; [1960] 3 W.L.R. 758.

Contract of service. (*See also* VICARIOUS LIABILITY.)

Action for repudiation

Servant's claim to declaration that service agreement repudiated by master—Servant still in master's employment—Master's application to strike out statement of claim.
Howard v. Pickford Tool Co. Ltd., C.A. [1951] 1 K.B. 417.

Commission. See **Commission.**

Duration. See Implied term.

Enforceability

Provision that servant to work for such periods weekly as might be "reasonably required."
National Coal Board v. Galley, C.A. [1958] 1 W.L.R. 16.

Implied term. (*See also* **Remuneration.**)

Duration of service—Officer of statutory board—Advertisement inviting applications for post—Employment expressed to be "permanent and pensionable"—Contract providing for termination in certain contingencies—Right to terminate employment in circumstances not specified.
McClelland v. Northern Ireland General Health Services Board, H.L.(N.I.) [1957] 1 W.L.R. 594.

Illegal act—Servant required to drive lorry—Accident caused by servant's negligence—Vehicle not insured—Masters' indemnity claim against servant—No statutory duty for masters to insure vehicle driven by servant—Whether implied term in contract of service not to require servant to do illegal act—Whether masters entitled to indemnity—Road Traffic Act, 1930, s. 35 (1). **Gregory v. Ford,** Byrne J. [1951] 1 All E.R. 121.

Injury to servant—Damages claimed—Writ alleging breach of contract—Duty impliedly owed by master to servant.
Matthews v. Kuwait Bechtel Corpn., C.A. [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702.

Oral agreement of service for three years—No sufficient memorandum in writing—Wrongful dismissal—Agreement void—No concluded agreement for three years—Implied term that employment only terminable by reasonable notice—Statute of Frauds, 1677, s. 4. **James v. Thomas H. Kent & Co. Ltd.,** C.A. [1951] 1 K.B. 551; [1951] 1 T.L.R. 552.

Theft of servant's goods—No implied term that master should take care of servant's goods.
Edwards v. West Herts Group Hospital Management Committee, C.A. [1957] 1 W.L.R. 415.

Remuneration. See **Commission; Remuneration; Wages.**

Service, of, or for services. (*See also* REVENUE (**Income tax** (*Employment*).)

Accountant—Book—Copyright.
Stevenson Jordan & Harrison Ltd. v. Macdonald & Evans, C.A. [1952] W.N. 7; [1952] 1 T.L.R. 101.

Journalist or photographer—Reasonable notice—Wrongful dismissal.
Bauman v. Hulton Press Ltd., Streatfeild J. [1952] W.N. 556; [1952] 2 All E.R. 1121.

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Dismissal. *See* **Wrongful dismissal.**

Employment of servant of another. (*See also* **Per quod servitium amisit.**)

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Employers' liability—"Contract of service"—Unskilled labourer lent by his employer to assured—Death due to negligence of assured's servants—Labourer not "under a "contract of service" with assured.
Denham v. Midland Employers Mutual Assurance Ld., C.A. [1955] 2 Q.B. 437; [1955] 3 W.L.R. 84.

Liability for servant's negligence

Liability of hirers of epuipment and driver for negligence of driver—Driver "shall be under direction and supervision of the hirer who shall be responsible for his action as though the driver were in the hirer's direct employ."
Herdman v. Walker (Tooting) Ltd. City Plant Hirers Ltd. (Third Party), Pearce J. [1956] 1 W.L.R. 209.

Shipping—Collision—Negligence of crew of tug outside province of pilot of tow—Damage to third vessel—Liability of regular employer or hirer.
The M.S.C. Panther and the Ericbank, Willmer J. [1957] P. 143; [1957] 2 W.L.R. 432.

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Liability to servant

Dock worker—National Dock Labour Board—No contract between board and master stevedores—Transfer of servant from harbour authority to master stevedores—Liability for injury to servant.
Gibb v. United Steel Companies Ltd., Streatfeild J. [1957] 1 W.L.R. 668.

Full-time hiring of lorry and driver over prolonged period—Methods of loading and unloading under supervision and control of hirer—Unsafe system of unloading—Relationship of parties.
O'Reilly v. Imperial Chemical Industries Ld., Oliver J. [1955] 1 W.L.R. 839, C.A. [1955] 1 W.L.R. 1155.

Liability for injury to servant.
Johnson v. A. H. Beaumont Ld., McNair J. [1953] 2 Q.B. 184; [1953] 2 W.L.R. 1153.

Workman's services hired out by employer—Workman injured by negligence of hirer—Hirer's liability.
Garrard v. A. E. Southey & Co., Parker J. [1952] 2 Q.B. 174; [1952] 1 T.L.R. 630; [1952] 1 All E.R. 597.

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Money earned by use of office. (*See also* CROWN (**Servant**).)

Uniformed soldier—Presence on civilian lorry with illicit cargo—Money reward—Confiscation by military authorities—Court-martial conviction—Claim to recover money—Petition of right—Relation of Crown to soldier.
Reading v. Attorney-General, H.L.(E.) [1951] A.C. 507; [1951] 1 T.L.R. 480; [1951] 1 All E.R. 617.

Servant technical adviser

Device invented by servant master's property—Subsequent agreement entitling servant to benefit of all his inventions—Invention before date of subsequent agreement of device relating to master's business on which servant's advice not sought by master—Whether servant entitled to device.
British Syphon Co. Ltd. v. Homewood, Roxburgh J. [1956] 1 W.L.R. 1190.

Income tax. (*See also* REVENUE.)

P.A.Y.E.

Company's payment of remuneration to director without deduction of tax—Inland Revenue authorities' claim against company for tax—Company's claim against director for money had and received.
Bernard & Shaw Ltd. v. Shaw; Rubin third party, Lynskey J. [1951] W.N. 340; [1951] 2 All E.R. 267.

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Company

Loss of services of director. **Lee v. Sheard,** C.A. [1956] 1 Q.B. 193; [1955] 3 W.L.R. 951.

Employment of servant of another

Continuation after notice—Servant unwilling to return—Action by original employer—Damage a necessary ingredient.
Jones Brothers (Hunstanton) Ld. v. Stevens, C.A. [1955] 1 Q.B. 575; [1954] 3 W.L.R. 953.

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Production manager employed at basic salary plus bonus—Whether implied term negativing employee's right to payment during period of sickness—Whether employee entitled to be paid bonus. **Orman v. Saville Sportswear Ltd.,** Pilcher J. [1960] 1 W.L.R. 1055.

Employee to be paid by salary and bonus

Method of assessing bonus never agreed—Service terminated—Right of employee to bonus—Quantum meruit. **Powell v. Braun,** C.A. [1954] 1 W.L.R. 401.

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"Four-year contract with six months' leave on full pay"—No leave taken—Death of employee—Leave pay not due to deceased's estate.
Commissioner of Income Tax, Colombo v. Sutherland, J.C. [1952] A.C. 469.

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Contract of service—Allowance unjustified—Device to avoid liability for income tax—Contract invalid.
Napier v. National Business Agency Ltd., C.A. [1951] W.N. 392; [1951] 2 All E.R. 264.

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Theft of servant's goods
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Resident house physician—Claim against hospital authorities for loss by theft of personal effects—Whether relation of parties that of boarding-house keeper and boarder or master and servant. **Edwards v. West Herts Group Hospital Management Committee,** C.A. [1957] 1 W.L.R. 415.

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Whether weekly credits "wages" within meaning of building contract. **London County Council v. Henry Boot & Sons Ltd.,** C.A. [1959] 1 W.L.R. 133. H.L.(E.) 1 W.L.R. 1069.

"Worker"—"Employer"—Contract of service—Independent contractor—Degree of control—Whether person employed "worker" entitled to holidays with pay—Wages Councils Act, 1945, ss. 10 (1), 16 (1), 23 (1)—Cutlery Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952, Schedule. **Westall Richardson Ld. v. Roulson,** Vaisey J. [1954] 1 W.L.R. 905.

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Whether wilful disregard of essential condition of service. **Laws v. London Chronicle (Indicator Newspapers) Ltd.,** C.A. [1959] 1 W.L.R. 698.

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Discretion of disciplinary committee—Matters to be taken into consideration—Position of legal assessor. **Daly v. General Medical Council,** J.C. [1952] W.N. 413; [1952] 2 T.L.R. 331; [1952] 2 All E.R. 666, P.C.

Evidence
Charge of infamous conduct in professional respect—Alleged operation of abortion—Conviction in criminal court in Malaya—Admissibility in evidence of record of criminal proceedings—Statutory powers of Medical Disciplinary Committee—Desirability of alteration in Rules of Procedure—Medical Disciplinary Committee (Procedure) Rules, 1951, r. 63. **Ong Bak Hin v. General Medical Council,** J.C. [1956] 1 W.L.R. 515.

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Use of title "physician"
Genuine belief in right to use title "physician" in advertisement—Question of fact for magistrate—Unreasonableness of belief evidential not conclusive—Medical Act, 1858, s. 40. **Wilson v. Inyang,** Divl.Ct. [1951] 2 K.B. 799; [1951] 2 T.L.R. 553; [1951] 2 All E.R. 237.

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MENTAL DEFICIENCY. (*See also* CRIME (**Insanity; Mental deficiency**); HUSBAND AND WIFE.)
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Practice Direction, Ct. of Protection [1960] 1 W.L.R. 1253.

Proceedings under the Trustee Act, 1925

Title to proceedings. **Practice Direction,** Ct. of Protection [1959] 1 W.L.R. 1030.

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Procedure **Practice Direction,** Ct. of Protection [1960] 1 W.L.R. 17.

Detention order

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Defective under 21 years of age—Consideration of defective's case by statutory visitors—Visitors' report of opinion to board of control—Recommendation that detention order be extended—Whether certiorari will lie—Reports—Disclosure—Mental Deficiency Act, 1913, s. 11—Mental Deficiency Regulations, 1948, regs. 99, 102.
Regina v. Statutory Visitors to St. Lawrence's Hospital, Caterham. *Ex parte* **Pritchard,** Divl.Ct. [1953] 1 W.L.R. 1158.

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Mental defective living in poor law institution—Not receiving special treatment—Removed to mental institution on the ground of being "found neglected"—"Abandoned"—"Cruelly treated"—Meaning—Mental Deficiency Act, 1913, s. 2 (1) (*b*) (i). **Regina v. Board of Control.** *Ex parte* **Rutty,** Divl.Ct. [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822.

Reasonable care

Consent of parent or guardian—Petition signed by mother—Father resident in India—Legality—Person found neglected—Order of detention by judicial authority—Jurisdiction to make order—Proposed actions by detainee on release, against local authorities and Board of Control—Mental Deficiency Act, 1913, ss. 15 (1), 71; Mental Treatment Act, 1930, s. 16 (1). **Richardson v. London County Council,** C.A. [1957] 1 W.L.R. 751.

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Order not supported by the medical certificates—Whether void or voidable.
Director of Public Prosecutions v. Head, C.C.A. [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862.
H.L.(E.) [1958] 2 W.L.R. 617.

Order on conviction—Conviction of larceny—Order under section 8 (1) (*b*) of the Mental Deficiency Act, 1913—Medical evidence that defendant "a feeble-minded person within "the meaning of the Mental Deficiency Acts"—Whether evidence sufficient—Whether consent of parent or guardian required—Mental Deficiency Act, 1913, ss. 1 (1), (2), 6 (3), 8 (1) (as amended by Mental Deficiency Act, 1927).
In re **Sage,** Divl.Ct. [1958] 1 W.L.R. 387.

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Reasonable care

Urgent removal—Whether substantial ground for contention that officer acted without reasonable care—Whether reasonable belief that patient of unsound mind—Meaning of "unsound mind"—Lunacy Act, 1890, s. 14 (1) (*a*) (as amended by the National Health Service Act, 1946, s. 50 and Sch. 9. Pt. I) and s. 330 (as amended by Mental Treatment Act, 1930, s. 16 (1).) **Buxton v. Jayne,** C.A. [1960] 1 W.L.R. 783.

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Practice Direction, Ct. of Protection [1957] 1 W.L.R. 453

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Discretion of court

Possibility that patient might squander property on recovery—Mental Health Act, 1959, s. 103—Law of Property Act, 1925, s. 171 (1) (5).
In re **C.,** 1958, No. 1950, Danckwerts J. [1960] 1 W.L.R. 92.

Proper settlement

Application by receiver of the estate to court to approve settlement—No power of revocation in settlement—Sufficient resources unaffected if patient recovered—Whether proper settlement.
In re **C. W. M. 1941, No. 2396,** C.A. [1951] 2 K.B. 714; [1951] 2 All E.R. 707.

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False trade description

"Non-brewed vinegar"

Acting without intent to defraud—Sale of goods bearing false trade description—Vendor acting "innocently"—Merchandise Marks Act, 1887, s. 2 (1) (2).
Kat v. Diment, Divl.Ct. [1951] 1 K.B. 34.

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False description of quantity sold stated in receipt—Receipt made out by defendants' manager—All reasonable precautions taken by the defendants against the commission of the offence—Defendants not acting "innocently"—Merchandise Marks Act, 1887, s. 2 (2).
Slatcher v. George Mence Smith Ltd., Divl.Ct. [1951] 2 K.B. 631; [1951] 2 T.L.R. 272; [1951] 2 All E.R. 388.

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False trade description of quantity sold stated in receipt—Information against employees as actual offenders—Claim to exemption from penalty—Dismissal by justices of information against employees—Whether appeal lies to quarter sessions against imposition of a penalty—Whether notice of appeal to be given to employees—Merchandise Marks Act, 1887, s. 2 (2) (as amended)—Merchandise Marks Act, 1926, s. 6—Magistrates' Courts Act, 1952, s. 84 (1). **Reg. v. Epsom Justices.** *Ex parte* **Dawnier Motors Ltd.,** Divl.Ct. [1961] 1 Q.B. 201; [1960] 3 W.L.R. 872.

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Decision to revoke by commissioner—Reference by commissioner to licensing committee—Licensee refused leave to call a witness—Licence revoked—Whether certiorari would issue—London Cab Order, 1934, para. 30.
Regina v. Metropolitan Police Commissioner. *Ex parte* **Parker,** Divl.Ct. [1953] 1 W.L.R. 1150.

"Plying for hire"

Hire car—Company operating service of hired cars at London Airport—Cars chauffeur driven—Available for use by passengers and public—Not licensed as hackney carriages—Cars advertised at desks where bookings made—No indication at standing places that cars available for hire—Whether "plying for hire"—Metropolitan Public Carriage Act, 1869, s. 7.
Cogley v. Sherwood, Divl.Ct. [1959] 2 Q.B. 311; [1959] 2 W.L.R. 781.

Taxi-cab on private ground in front of underground station—Prohibition against plying for hire "elsewhere than at some standing or place appointed"—Whether prohibition confined to public place—Plying on private land permissible—London Hackney Carriage Act, 1843, s. 33.
Benjamin v. Cooper, Divl.Ct. [1951] W.N. 553; [1951] 2 T.L.R. 906; [1951] 2 All E.R. 907.

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Hostess standing in door of restaurant beckoning to passers-by—Metropolitan Police Act, 1839, s. 54 (13). **Bryan v. Robinson,** Divl. Ct. [1960] 1 W.L.R. 506.

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Recovery of expense from him who damaged it—Involuntary act—London Government Act, 1939, s. 181 (3).
Kensington Borough Council v. Walters, Divl.Ct. [1960] 1 Q.B. 361; [1959] 3 W.L.R. 945.

Notice

Notice to quit by county council—Notice by council signed by officer of council—Authority of officer not proved by evidence or by statement on notice—Warrant for possession refused—London Government Act, 1939, s. 184—Landlord and Tenant Act, 1954, s. 25 (1) (*a*). **London County Council v. Farrer,** C.A. [1956] 1 W.L.R. 1295.

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Pension

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Abbott v. London County Council, McNair J. [1951] 2 K.B. 127; [1951] 1 T.L.R. 844; [1951] 1 All E.R. 569.
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MILITARY LAW. (*See also* NATIONAL SERVICE.)

" Active service "

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Army Act, 1881, s. 189 (1).
In the Estate of Colman, decd., Karminski J. [1958] 1 W.L.R. 457.

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Polish Resettlement

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Holdowanski v. Holdowanska (orse. Bialoszewska) and Price, Taczanowska (orse. Roth) v. Taczanowski, Karminski J. [1957] P. 301; [1956] 3 W.L.R. 935.
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Larceny

Offence within section 18 of the Army Act—Whether charge to be laid under that Act or under the common law—Army Act, 1881 (as re-enacted), ss. 18, 41—Larceny Act, 1916, s. 2. **Regina v. Bryant,** C.-M.A.C. [1955] 1 W.L.R. 715.

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Civil offence committed in Germany—Driving without due care and attention—Failure to give warning of prosecution in accordance with Road Traffic Act, 1930—Army Act, s. 41 (5)—Road Traffic Act, 1930, ss. 12, 21.
Regina v. Jennings, C.-M.A.C. [1956] 1 W.L.R. 1497.

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Accused ordered out of close arrest into open arrest—Performance of duties.
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Uniformed army sergeant—Presence on civilian lorry with illicit cargo—Money reward—Confiscation by military authorities—Court-martial conviction—Conduct prejudicial to good order and military discipline—Claim to recover money—Petition of right—Relation of Crown to soldier.
Reading v. Attorney-General, H.L.(E.) [1951] A.C. 507; [1951] 1 T.L.R. 480; [1951] 1 All E.R. 617.

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Regina v. Durkin, C.-M.A.C. [1953] 2 Q.B. 364; [1953] 3 W.L.R. 479.

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Regina v. Durkin, C.-M.A.C. [1953] 2 Q.B. 364; [1953] 3 W.L.R. 479.

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Confession—Judges' rules—Accused officer ordered to attend interview with military police—No caution administered—Evidence of answers to questions put by military police admissible if given voluntarily—Whether voluntary or not question of fact for court-martial—Judges' rules not applicable to charges against military personnel.
Regina v. Harris-Rivett, C.-M.A.C. [1956] 1 Q.B. 220; [1955] 3 W.L.R. 823.

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Court-Martial (*Evidence*)*—continued.*

Desertion—Inadmissibility of statement in certificate of arrest that soldier wearing civilian clothes at time of arrest—Army Act, 1881 (as re-enacted), s. 163 (1) (*g*) (*h*) (*jj*)—Courts-Martial (Appeals) Act, 1951, s. 5 (1), proviso.
Reg. v. Mahoney, C.-M.A.C. [1957] 1 W.L.R. 98.

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Reg. v. Linzee. Reg. v. O'Driscoll, C.-M.A.C. [1957] 1 W.L.R. 312.

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Desertion—Enlistment under National Service (Armed Forces) Act, 1939—Failure to report—Arrest on charge of desertion in 1951 after repeal of Act of 1939—Whether deserter subject to martial law—National Service Act, 1948, s. 24 (2).
Rex v. Secretary of State for War. *Ex parte* **Halperin,** Divl.Ct. [1951] W.N. 397; [1951] 2 T.L.R. 302.

Investigation of charge—Request that charge be investigated by commanding officer at time of arrest—Charge investigated by commanding officer of regiment to which accused officer subsequently attached—" Commanding officer " not necessarily commanding officer at time of arrest—Army Act (as re-enacted and amended), ss. 45 (1) (5), 46 (1).
Regina v. Harris-Rivett, C.-M.A.C. [1956] 1 Q.B. 220; [1955] 3 W.L.R. 823.

Murder—Alien killed abroad by British soldier—Power of court-martial to try for murder —" King's peace "—Offences against the Person Act, 1861, s. 9—Army Act, 1881 (as amended and re-enacted), s. 41. **Regina v. Page,** C.-M.A.C. [1954] 1 Q.B. 170; [1953] 3 W.L.R. 895.

Sergeant in regular forces—Completion of colour service—Not transferred to reserve—Whether subject to military law—Army Act (as re-enacted and amended), s. 90 (1), (3), (4). **Regina v. Hadfield,** C.-M.A.C. [1954] 1 W.L.R. 1128.

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Abandonment of appeal—Application for leave to withdraw notice of abandonment—Power of court to entertain—Courts-Martial Appeal Rules, 1952, r. 5.
Reg. v. Caddy, C.-M.A.C. [1959] 1 W.L.R. 868.

Capital sentence confirmed by convening officer—Application for leave to appeal treated as hearing of appeal—Courts-Martial (Appeals) Act, 1951.
Practice Note, C.-M.A.C. [1952] W.N. 304.

Petition to appropriate authority—Time limit for petition—Whether time limit can be extended—Courts Martial (Appeals) Act, 1951, s. 3 (1) (2)—Courts-Martial Appeal Rules, 1952, r. 6 (1) (*b*), as substituted by the Courts-Martial Appeal (Amendment) Rules, 1954, r. 2.
Regina v. Lacey, C.-M.A.C. [1956] 1 W.L.R. 1495.

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Immunity from arrest

Affiliation order

Order against American soldier—Committal warrant—Army Act, 1881 (as re-enacted), s. 145—United States of America (Visiting Forces) Order, 1942 I, p. 844.
Regina v. Birkenhead Borough Justices. *Ex parte* **Smith,** Divl.Ct. [1954] 1 W.L.R. 471.

Immunity from process

Airman

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Mutiny

Meaning of " mutiny "

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Reg. v. Grant, C.-M.A.C. [1957] 1 W.L.R. 906.

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Burden of proof

Claim by widow of deceased officer—Death more than seven years after end of service—Royal Warrant, 1949 (Cmd. 7699), arts. 4 (2), 5 (1), (4).
Dickinson v. Minister of Pensions, Ormerod J. [1953] 1 Q.B. 228; [1952] 2 T.L.R. 910; [1952] 2 All E.R. 1031.

MILITARY LAW—*continued.*

Service property

Fraudulent misapplication

Absence of explanation by accused—Manual of Military Law wrong—Army Act, s. 17—Courts-Martial (Appeals) Act, 1951, s. 5.
Reg. v. Tucker, C.-M.A.C. [1952] W.N. 537; [1952] 2 All E.R. 1074.

Whether "service property" includes property of sergeants' mess—Army Act, 1881 (as re-enacted), ss. 17, 190. **Reg. v. Nicholson,** C.-M.A.C. [1957] 1 W.L.R. 146.

Tolls

Exemption

Crown exemption from payment of tolls for military personnel and families—"Military"—Army Act, 1881, s. 143.
Nyali Ld. v. Attorney-General, C.A. [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649.
H.L.(E.) [1957] A.C. 253; [1956] 3 W.L.R. 341.

MILK

See Food and Drugs.

MINES

Act of 1954

Breach of statutory duty

Machinery and equipment—Statutory duty—"Shall be properly maintained"—Whether duty absolute—Factories Act, 1937, ss. 22 (1), 25 (1), 152—Mines and Quarries Act, 1954, s. 81 (1).
Hamilton v. National Coal Board, H.L.(E.) [1960] A.C. 633; [1960] 2 W.L.R. 313.

Roof and sides—Fall of stone from roof following fall of girder—Duty to keep road and working place secure—Necessary steps—Whether impracticable to avoid or prevent contravention—Mines and Quarries Act, 1954, ss. 48 (1), 157.
Brown v. National Coal Board, Thesiger J. [1960] 1 W.L.R. 67.
C.A. [1961] 1 Q.B. 303; [1960] 3 W.L.R. 892.

Coal. (*See also* **Act of 1954.**)

Breach of statutory duty

Breach by employer and employee—Causation—Contributory negligence—Apportionment of liability—Coal Mines Act, 1911, s. 74—Coal Mines (Training) General Regulations, 1945. **Laszczyk v. National Coal Board,** Pearson J. [1954] 1 W.L.R. 1426.

"Reasonably practical to avoid breach"—Test of liability at common law—Coal Mines Act, 1911, ss. 49, 102 (8).
Jones v. National Coal Board, C.A. [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760.

Roof and sides—Fall of coal from coal face—Duty to make secure side of working place—Whether "coal face" a "side"—Meaning of "secure"—Coal Mines Act, 1911, s. 49.
Gough v. National Coal Board, Salmon J. [1957] 1 W.L.R. 973.
C.A. [1959] 1 Q.B. 189; [1958] 2 W.L.R. 735.
H.L.(E.) [1959] A.C. 698; [1959] 2 W.L.R. 658.

———————— Fall of roof—Travelling road obstructed—Bogie derailed—Injury to mineworker—Liability of mineowners—Coal Mines Act, 1911, s. 49.
Grant v. National Coal Board, H.L.(Sc.) [1956] A.C. 649; [1956] 2 W.L.R. 752.

———————— Reconstruction of disused roadway—Roof insecure—Injury to workman engaged on reconstruction—Coal Mines Act, 1911, ss. 49, 51, 52 (1), 102 (8)—Coal Mines General Regulations, 1913, reg. 8.
Wraith v. National Coal Board, Glyn-Jones J. [1954] 1 W.L.R. 264.

Roof and sides—"Reasonably practical" precautions—Security of travelling road and working place—Fall of roof occasioned by an explosion of abnormal character—Whether roof made secure—Coal Mines Act, 1911, ss. 49, 102 (8).
Jackson v. National Coal Board, Hallett J. [1955] 1 W.L.R. 132.

———————— "To make roof and sides of . . . working place secure"—New working place—Workman injured by fall of stone—"Repair"—Duty of employers to men engaged in providing secure roof and sides—Coal Mines Act, 1911, ss. 49, 102 (8).
Walsh v. National Coal Board, C.A. [1956] 1 Q.B. 511; [1955] 3 W.L.R. 829.

Shot-firing—Mineworker injured by explosive—Breach of statutory duty by shot-firer and injured worker—Common law duty not superseded—Causation—Mineowner's common law liability for shot-firer's negligence—General Regulations, 1913 (made under Coal Mines Act, 1911, s. 86), reg. 1—Explosives in Coal Mines Order, 1934 (made under Coal Mines Act, 1911, s. 61), art. 2 (*e*) (*h*).
England v. National Coal Board, C.A. [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; H.L.(E.) [1954] A.C. 403; [1954] 2 W.L.R. 400.

———————————————— Breach of duty by shot-firer—Liability of mine-owner or manager—Manager's duty—Common employment—General Regulations, 1913, made under s. 86 of the Coal Mines Act, 1911, reg. 1—Explosives in Coal Mines Order, 1934, arts. 2 (*e*) (*h*); 6 (*a*)—Coal Mines Act, 1911, ss. 61, 74, 75, 86, 89, 90.
Harrison v. National Coal Board, H.L.(E.) [1951] A.C. 639; [1951] 1 T.L.R. 1079; [1951] 1 All E.R. 1102.

MINES—*continued.*

Coal (*Breach of statutory duty*)—*continued.*

Shot-firing—Shot fired by unauthorised shot-firer—Negligence of authorised shot-firer—Employer's liability—General Regulations, 1913, reg. 28—Explosives in Coal Mines Order, 1934, art. 2 (*h*) (*i*) (i).

Alford v. National Coal Board, H.L.(Sc.) [1952] W.N. 144; [1952] 1 T.L.R. 687; [1952] 1 All E.R. 754.

Ventilation—Accumulation of noxious gases due to insufficient ventilation—Mine ventilated by one mechanical fan—Fan stopped for maintenance during week-end—Obligation to provide continuous ventilation—Duty to provide other means of ventilation when fan stopped for repair—Notice posted by manager—Failure by deputy to carry out pre-shift inspection—Liability of manager—Coal Mines Act, 1911, ss. 29 (1), 75, 103 (2).

McCarthy v. Lewis, Divl.Ct. [1957] 1 Q.B. 475; [1957] 2 W.L.R. 300.

Colliery manager

Contravention of Coal Mines Act during manager's absence on leave—Under-manager properly appointed as manager in his place—Whether both of them liable for contraventions of Act—Whether manager took reasonable precautions—Coal Mines Act, 1911, ss. 3, 75. **Bassett v. Evans,** Divl.Ct. [1956] 1 W.L.R. 925.

Industrial disease

Disease certified after nationalisation of mines—Workmen's compensation paid by National Coal Board—Contribution by "other employers"—Workmen's Compensation Act, 1925, s. 43 (1) (iii) (*c*) (iii)—Coal Mining Industry (Pneumoconiosis) Compensation Scheme, 1943, s. 8—Coal Industry Nationalisation Act, 1946, s. 10 (3).

National Coal Board v. Amalgamated Anthracite Collieries Ltd., C.A. [1951] 2 K.B. 227; [1951] 1 T.L.R. 1004; [1951] 1 All E.R. 844.

Nationalization

Company adjustment—Shareholders' rights—Preference and ordinary shares—Compensation — Adjustment proposals — Date when "finally determined" — Coal Industry Nationalization (Company Adjustment) Regulations, regs. 2 (5), 23—Coal Industry Nationalization Act, 1946, s. 25.

In re **Doncaster Amalgamated Collieries Ld.,** Vaisey J. [1955] 1 W.L.R. 167.

Compensation—Determination of amount—Compensation unit—Unit consisting of a number of houses—Basis of valuation—Assumed sale of unit as a whole to single purchaser—Coal Industry Nationalisation Act, 1946, s. 13 (4).

Cottages Ltd. v. Minister of Fuel and Power, Divl.Ct. [1952] W.N. 29; [1952] 1 All E.R. 80, D.C.

———— Interim income payments—"Profits arising from the trade or business"—Finance Act, 1937, Sch. IV, para. 7—Coal Industry (Nationalisation) Act, 1946, ss. 19, 22 (2), (3), (4)—Finance Act, 1947, ss. 31, 32, 43—Coal Industry (No. 2) Act, 1949, s. 1 (2).

Inland Revenue Commrs. v. Butterley Co, Ld., Roxburgh J. [1954] 1 W.L.R. 1199.
C.A. [1955] Ch. 453; [1955] 2 W.L.R. 785.
H.L.(E.) [1957] A.C. 32; [1956] 2 W.L.R. 1101.

———— ———— Whether to be included in actual income of year of receipt or of year or period in respect of which it was paid—Coal Industry Nationalization Act, 1946, s. 5 (1).

Whitworth Park Coal Co. Ltd. v. Inland Revenue Commrs.,
C.A. [1958] Ch. 792; [1958] 2 W.L.R. 815.
H.L.(E.) [1961] A.C. 31; [1959] 3 W.L.R. 842.

———— Preference capital reduced on footing that right unaffected to claim adjustment of compensation—Resolution for repayment of preference stock in full—Validity—Companies Act, 1948, ss. 66, 67—Coal Industry Nationalisation Act, 1946, s. 25. *In re* **Old Silkstone Collieries Ld.,** C.A. [1954] Ch. 169; [1954] 2 W.L.R. 77.

Royalties

Crown leases and grants—Royalties—Purported statutory increase—Conflict with existing statutory agreement—Ultra vires and void.

Att.-Gen. for Alberta v. West Canadian Collieries Ltd.,
J.C. [1953] A.C. 453; [1953] 2 W.L.R. 801.

Fixed rent plus royalty—Provision in lease prescribing calculation of royalty—Claim for arrears—Royalty a form of rent—Statutory provisions for reduction applicable—National Security (Prices) Regulations (August 22, 1940) (made under the National Security Act, 1939–1940 (Commonwealth)), regs. 3, 23 (2)—Prices Regulations Order No. 985 (March 18, 1943), para. 2 (*c*)—Landlord and Tenant (Amendment) Act, 1932–1947 (New South Wales), s. 15 (1).

Perpetual Trustee Co. (Ltd.) v. Pacific Coal Co. Pty. Ltd., J.C. [1956] A.C. 165; [1956] 2 W.L.R. 105.

Working

Application by National Coal Board for leave to work—Delay of months through extension of time to objectors to file evidence—Application for interim order to expedite working—Expense caused by delay—"National interest"—Jurisdiction to make interim order

MINES—*continued.*

Coal (*Working*)—*continued.*

—Form of Order—Mines (Working Facilities and Support) Act, 1923, s. 1—Railway and Canal Commission (Abolition) Act, 1949, s. 1 (1) (*a*)—R.S.C., Ord. 54o.
Ex parte **National Coal Board,** Roxburgh J. [1958] 1 W.L.R. 599.

Jurisdiction of court to grant right to let down surface—Possible duty of property owners in neighbourhood to submit to risk of damage through subsidence—Costs of application—Mines (Working Facilities and Support) Acts, 1923 & 1925, s. 3 (1) (2) (4) (6); s. 4 (1); s. 6 (1) (3) (4) (5)—Mining Industry Act, 1926, s. 13.
In re **Wolstanton Ltd.'s Application,** Danckwerts J. [1952] Ch. 519; [1952] 1 All E.R. 678n.

Permission to let down surface—Compensation—Persons entitled to compensation—Whether consequential damage included—Whether compensation payable for loss of profit and goodwill—Costs of application—Mines (Working Facilities and Support) Acts, 1923 and 1925, ss. 6 (1) (2) (5), 9 (1) (2)—Coal Mining (Subsidence) Act, 1957, s. 6.
In re **National Coal Board's Application,** Upjohn J. [1960] Ch. 192; [1959] 3 W.L.R. 152.

Metalliferous mines

Breach of statutory duty

Contributory negligence—Order by foreman to fetch down insecure roof—Failure by miners to obey order—No report by miners to foreman—Resumption of normal work under roof by one miner—Death through fall of roof.
Stapley v. Gypsum Mines Ltd., C.A. [1952] 2 Q.B. 575; [1952] 1 All E.R. 1092.
H.L.(E.) [1953] A.C. 663; [1953] 3 W.L.R. 279.

Fall of roof—Caused by slickenside—Duty to make roof secure "so far as may be "reasonably practicable"—System of tapping—No propping—Metalliferous Mines Regulation Act, 1872, s. 23—Metalliferous Mines General Regulations, 1938, para. 7 (3). **Marshall v. Gotham Co. Ltd.,** C.A. [1953] 1 Q.B. 167; [1952] 2 T.L.R. 941; [1952] 2 All E.R. 1044.
H.L.(E.) [1954] A.C. 360; [1954] 2 W.L.R. 812.

Widow's action against employers—Metalliferous Mines General Regulations, 1938 (as amended), regs. 7 (3), 14 (1) (7), 15 (1) (2) (3) (10).
Stapley v. Gypsum Mines Ltd., C.A. [1952] 2 Q.B. 575; [1952] 1 All E.R. 1092.
H.L.(E.) [1953] A.C. 663; [1953] 3 W.L.R. 279.

Petroleum and natural gas

Grant by Dominion

Power to impose royalties—Validity—Transfer of Dominion rights to Province.
Att.-Gen. for Alberta v. Huggard Assets Ld., J.C. [1953] A.C. 420; [1953] 2 W.L.R. 768.

Sale of land

Reservation of petroleum—Petroleum and natural gas—Separate substances—"Petroleum" —Right to work petroleum not specifically reserved—Implied right—No obligation to conserve natural gas. **Borys v. Canadian Pacific Ry. Co.,** J.C. [1953] A.C. 217; [1953] 2 W.L.R. 224.

Working facilities. (*See also* **Coal.**)

Lease

Notice to quit at termination of lease—Lease of beds of gravel and sand under two fields —Application to Ministry for right to work made several days before expiration of lease—Matter later referred to High Court—"Without the concurrence of two or more "persons"—Having an interest in them"—Mines (Working Facilities and Support) Act, 1923, s. 1 (1) (*a*) (*b*).
In re **East Yorkshire Gravel Co. Ld.'s Application,** Harman J. [1955] 1 W.L.R. 88.

MINISTER. *See* CROWN; CROWN PROCEEDINGS.

MISTAKE

See CONTRACT (**Mistake; Rectification**); RESTITUTION; SALE OF GOODS.

MOHAMMEDAN LAW. (*See also* CEYLON; EASTERN AFRICA.)

Wakf

Validity

Kenya. **Bakhshuwen v. Bakhshuwen,** J.C. [1952] A.C. 1.

MONEYLENDER

Action for recovery of money

Originating summons

Form—R.S.C., Ords. 3, r. 10; 20, r. 10; 55, r. 5A.
Lewis v. Packer, Danckwerts J. [1960] 1 W.L.R. 452.

Definition

Exclusion from

Loans "in the course" and "for the purposes" of business not having for its primary object the lending of money—Moneylenders Ordinance (Laws of the Colony of Singapore, 1955 Ed., c. 193), s. 2 (*d*)—Moneylenders Act, 1900, s. 6 (*d*).
Official Assignee of Khoon v. Ek Liong Hin Ltd., J.C. [1960] 2 W.L.R. 250. [1960] A.C. 178.

MONEYLENDER—*continued.*

Limitation of action

Mortgage

Sale by first mortgagee—Claim to surplus proceeds of sale by second mortgagee—Second mortgagee moneylender—Payments to second mortgagee more than twelve months in arrear—Whether claim based on statutory trust maintainable—Law of Property Act, 1925, s. 105—Moneylenders Act, 1927, s. 13.

C. & M. Matthews Ltd. v. Marsden Building Society, Harman J. [1951] Ch. 378; [1951] 1 T.L.R. 441. C.A. [1951] Ch. 758; [1951] 1 T.L.R. 1114; [1951] 1 All E.R. 1053.

Memorandum

Copy

Delivery—Joint and several borrowers—Delivery to agent of borrower—Moneylenders Act, 1927, s. 6.

J. W. Grahame (English Financiers) Ld. v. Ingram, C.A. [1955] 1 W.L.R. 563.

Non-compliance with statutory requirements

Unenforceable transaction

Loan—Security by way of mortgage of property—Borrower entitled to recover possession of property without repaying outstanding balance of loan—"Not to be entitled to enforce any claim in respect of any transaction"—Construction—Moneylenders Ordinance (Consolidated Ordinances of Nigeria, c. 136), s. 19.

Kasumu v. Baba-Egbe, J.C. [1956] A.C. 539; [1956] 3 W.L.R. 575.

MORTGAGE

Attornment clause

Default

Claim by mortgagee for possession—Agricultural holding—Relation of landlord and tenant—Whether mortgagor within protection of Agricultural Holdings Acts—Agriculture Act, 1947—Agricultural Holdings Act, 1948, s. 23.

Steyning and Littlehampton Building Society v. Wilson, Danckwerts J. [1951] Ch. 1018; [1951] 2 T.L.R. 424; [1951] 2 All E.R. 452.

——————— Attornment clause at substantial rent—Rent in arrear—Successful proceedings for possession in High Court—Relation of landlord and tenant—Whether tenancy within Rent Acts—Costs—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 17 (2).

Portman Building Society v. Young, C.A. [1951] W.N. 10; [1951] 2 T.L.R. 369; [1951] 1 All E.R. 191.

——————— Requirement of notice—R.S.C., Ord. 55, r. 5 (*a*), note.

Hinckley and Country Building Society v. Henny, Upjohn J. [1953] 1 W.L.R. 352.

Notice to quit

Four weeks' notice required by statute to quit premises let as a dwelling—Whether applicable to mortgagor under attornment clause—Rent Act, 1957.

Alliance Building Society v. Pinwill, Vaisey J. [1958] Ch. 788; [1958] 3 W.L.R. 1.

Bank's charge

Charge to secure repayment to bank "on demand" of moneys due on current account

Foreclosure proceedings by bank within 12 years of demand but over 12 years after advance—Effect of covenant to repay "on demand"—Charge in favour of bank a collateral security—Limitation of action—Limitation Act, 1939, ss. 4 (3), 18 (4).

Lloyds Bank Ld. v. Margolis, Upjohn J. [1954] 1 W.L.R. 644.

Building Society. *See* Building Society.

Costs

Action to enforce mortgage

Provision in mortgage for payment of "all costs charges and expenses incurred or paid "by" mortgagee bank "in relation to the negotiation for and preparation completion "realization and enforcement of" mortgage—Effect.

In re **Adelphi Hotel (Brighton) Ld.,** Vaisey J. [1953] 1 W.L.R. 955.

County court jurisdiction. *See* County Court.

Equity of redemption. *See* **Redemption.**

Foreclosure. *See* **Redemption.**

General charge

Enforceability

"All . . . income and estate from whatsoever source" charged to secure payment of annuity—After acquired property—Whether charge divisible—Royalties.

Syrett v. Egerton, Divl.Ct. [1957] 1 W.L.R. 1130.

Interest restriction

Apportionment of principal money

Division of dwelling-house into six flats—Meaning of "other land" in Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (5).

Coutts & Co. v. Duntroon Investment Corpn. Ltd., Harman J. [1958] 1 W.L.R. 116.

Interest in arrear for more than 21 days

Arrears subsequently paid—Whether statutory protection revived—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 7 (*a*).

Coutts & Co. v. Duntroon Investment Corpn. Ltd., Harman J. [1958] 1 W.L.R. 116.
Nichols v. Walters, C.A. [1954] 1 W.L.R. 1.

MORTGAGE—*continued.*

Landlord, by. (*See also* **Subject to tenancy.**)

Letting by contracting purchasers

Subsequent completion of purchase—Legal charge to raise purchase money—Whether completion and charge one transaction—Tenancy by estoppel as against mortgagees—Rent restriction. **Church of England Building Society v. Piskor,** C.A. [1954] Ch. 553; [1954] 2 W.L.R. 952.

———— Mortgage next day—Power of leasing excluded except with consent of mortgagee—Tenant's claim to legal tenancy—Tenancy by estoppel. **Universal Permanent Building Society v. Cooke,** C.A. [1952] Ch. 95; [1951] 2 T.L.R. 962; [1951] 2 All E.R. 893.

Possession summons by mortgagee

Legal charge—Premises vacated by mortgagors—Tenant in occupation of part—Summons by mortgagee for possession—Mortgagor not served—No prejudice to mortgagors—Order against tenant for possession—Order for possession—Form of order—R.S.C., Ord. 55, r. 5A. **Alliance Building Society v. Shave,** Wynn-Parry J. [1952] Ch. 581; [1952] 1 T.L.R. 1174; [1952] 1 All E.R. 1033.

Law before 1926

Priorities

Contracts to sell mortgaged land—Fee simple in mortgagees—Priority between purchasers—Equitable doctrine of conversion—Right to "call for" title deeds—Qui prior est tempore potior est jure. **Assaf v. Fuwa,** J.C. [1955] A.C. 215; [1954] 3 W.L.R. 552.

Leasehold, of

Mortgage by way of legal charge

Agreement to execute legal charge—Whether mortgagee an "underlessee"—Assignment of lease—Guarantee for sum lent by bank to assignee—Deposit of documents relating to the property by assignee with guarantor—Bankruptcy of assignee—Action by landlord against trustee in bankruptcy and assignee for forfeiture—Intervention in action by guarantor—Application under Law of Property Act, 1925, for order vesting property in guarantor—Law of Property Act, 1925, ss. 87 (1), 146 (4) (5) (*d*). *In re* **Good's Lease,** Harman J. [1954] 1 W.L.R. 309.

Proceedings for forfeiture for breach of covenant—Notice of breach served on tenant and mortgagee—Counter-notice by mortgagee claiming benefit of Leasehold Property (Repairs) Act, 1938—No counter-notice by tenant—Proceedings for forfeiture against tenant commenced without leave of the court—Whether obligation to serve mortgagee—Tenant's right to invoke mortgagee's counter-notice—"Lessee"—Law of Property Act, 1925, ss. 87, 146—Leasehold Property (Repairs) Act, 1938, s. 1. **Church Commissioners for England v. Ve-Ri-Best Manufacturing Co. Ltd.,** Lord Goddard C.J. [1957] 1 Q.B. 238; [1956] 3 W.L.R. 990.

Same remedies as mortgage by way of subdemise—Lease forfeited for breach of covenant—User of premises for immoral purposes—Mortgagee's right to relief as underlessee—Assignment of lease of dwelling-house—Temporary occupation of basement by assignor—Whether tenant or licensee—Law of Property Act, 1925, ss. 87 (1) (2), 146 (4). **Grand Junction Co. Ld. v. Bates,** Upjohn J. [1954] 2 Q.B. 160; [1954] 3 W.L.R. 45.

Redemption

Recovery of possession by landlord—Order for relief against forfeiture obtained by mortgagee—New lease—Sale by mortgagee as absolute owner—Action for redemption—Mortgage still subsisting—Mortgagor entitled to order for accounts and inquiries—Law of Property Act, 1925, s. 146 (4). **Chelsea Estates Investment Trust Co. Ld. v. Marche,** Upjohn J. [1955] Ch. 328; [1955] 2 W.L.R. 139.

Leasing, power of

Express provision

Statutory power of leasing excluded except with written consent of mortgagee—Grant of tenancy—No evidence of consent—Onus of proof of consent—Knowledge of lease by mortgagee—Non-payment of mortgage interest—Whether lease binding on mortgagee. **Taylor v. Ellis,** Cross J. [1960] Ch. 368; [1960] 2 W.L.R. 509.

Statutory power of leasing excluded—Letting by purchaser in possession—Subsequent completion of purchase and mortgage—Land Charges Act, 1925, ss. 10 (1), C (iv), 13 (2)—Law of Property Act, 1925, s. 199. **Coventry Permanent Economic Building Society v. Jones,** Harman J. [1951] W.N. 218; [1951] 1 T.L.R. 739; [1951] 1 All E.R. 901.

Statutory power of leasing excluded except with consent of mortgagee—Provision that lessee not to be concerned to see consent given—Grant of tenancy without obtaining consent—Estoppel of mortgagee as against tenant—Receipt of rent by mortgagee's agent—Whether receiver ceases to be agent of mortgagee—Right of mortgagee to possession as against tenant—Law of Property Act, 1925, s. 109 (2). **Lever Finance Ltd. v. Needleman's Trustee,** Harman J. [1956] Ch. 375; [1956] 3 W.L.R. 72.

Not excluded by mortgage deed

Grant of parol lease by mortgagors—No provision for re-entry on non-payment of rent—Whether lease effective against mortgagees—Law of Property Act, 1925, ss. 99, 152. **Pawson v. Revell,** C.A. [1958] 2 Q.B. 360; [1958] 3 W.L.R. 474.

MORTGAGE—*continued.*

Leasing, power of—*continued.*

Statutory

Form of lease—Occupation of mortgaged property by agreement with mortgagors—Agreement made before mortgagors entitled to property—Lump sum paid by tenants to mortgagors described as "rent in advance"—Whether lump sum a "fine"—Whether tenancies good as against mortgagee—Law of Property Act, 1925, ss. 99 (6), 205 (1) (xxiii). **Hughes v. Waite,** Harman J. [1957] 1 W.L.R. 713.

Power not exercisable without written consent of mortgagee—Purported tenancy granted by mortgagor—Mortgagee's right to possession as against tenant.
Parker v. Braithwaite, Danckwerts J. [1952] W.N. 504; [1952] 2 T.L.R. 371; [1952] 2 All E.R. 837.

Limitation of action. *See* LIMITATION OF ACTION.

Matrimonial home. *See* HUSBAND AND WIFE.

Possession. (*See also* **Attornment.**)

Mortgagee's right to

Absolute right unless contract excluding it—No discretion to adjourn summons for possession—R.S.C., Ord. 55, r. 5A.
Four-Maids Ltd. v. Dudley Marshall (Properties) Ltd., Harman J. [1957] Ch. 317; [1957] 2 W.L.R. 931.

Jurisdiction of county court—Whether action for the recovery of land or proceedings to enforce charge.
Reg. v. Judge Dutton Briant. *Ex parte* **Abbey National Building Society,** Divl.Ct. [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249.

Order for, ambit

Order against mortgagor for "possession"—Non-compliance—Eviction—Furniture and effects left on premises by mortgagee—Application for order to remove furniture and effects—"Possession" and "vacant possession"—R.S.C., Ord. 55, r. 5A.
Norwich Union Life Insurance Society v. Preston, Wynn-Parry J. [1957] 1 W.L.R. 813.

Summons for possession

Adjournment—Legal charge—Mortgagee's summons for possession—Discretion to adjourn—Confined to mortgages repayable by instalments—R.S.C., Ord. 55, r. 5A.
Four-Maids Ltd. v. Dudley Marshall (Properties) Ltd., Harman J. [1957] Ch. 317; [1957] 2 W.L.R. 931.

——— Mortgage not repayable by instalments—Mortgagee's power of sale exercisable—Discretion of court to adjourn summons—R.S.C., Ord. 55, r. 5A.
Braithwaite v. Winwood, Cross J. [1960] 1 W.L.R. 1257.

——— Payments of instalments in arrear—Arrears of instalments paid before hearing—Right to repay by instalments lapsed—Power of court to adjourn hearing generally—R.S.C., Ord. 5, r. 5A, and Practice Direction under R.S.C., Ord. 55, r. 5A.
Robertson v. Cilia, Upjohn J. [1956] 1 W.L.R. 1502.

Claim by third party to be entitled to possession—Hearing in open court—R.S.C., Ord. 55, r. 5A.
District Bank Ltd. v. Webb, Danckwerts J. [1958] 1 W.L.R. 66.

Stranger found in possession—Whether to be joined—Form of order for notice to stranger—R.S.C., Ord. 55, r. 5A.
Leicester Permanent Building Society v. Shearley, Wynn-Parry J. [1951] Ch. 90.

Priorities

Chattels

Used motor-vehicles—"Sale" defined as "any transfer"—Mortgage not a sale—Possession of mortgagor—Not "on account of, or in trust for" mortgagee—Unregistered equitable mortgage of land—Ineffective—West Africa.
F. & M. Khoury v. Azar, J.C. [1953] 1 W.L.R. 21.

Receiver. *See also* LAND REGISTRATION (**Mortgage**).

Corporate body

Limitation of action—Acknowledgment—Action against sureties 13 years after original default of mortgagor company—Appointment of bodies corporate as successive receivers—Periodical sums paid by receivers to mortgagees—Limitation Act pleaded by sureties—Appointment of receivers a nullity—Receivers not agents of mortgagor—Law of Property Act, 1925, s. 109 (2)—Companies Act, 1929, s. 306 (1)—Companies Act, 1948, s. 366. **Portman Building Society v. Gallwey,** Wynn-Parry J. [1955] 1 W.L.R. 96.

Receipt of rent, by

Trespasser, from—Whether tenancy created—Surrounding circumstances—Law of Property Act, 1925, s. 109 (2).
Stroud Building Society v. Delamont, Cross J. [1960] 1 W.L.R. 431.

Redemption and foreclosure. (*See also* **Leasehold; Sale.**)

Appearance, default of

Foreclosure—Service of notices—R.S.C., Ord. 55, r. 5A.
Practice Direction, Ch.D. [1958] 1 W.L.R. 655.

MORTGAGE—*continued.*

Redemption and foreclosure—*continued.*

Mortgagee in possession

Assignment of mortgage to statutory tenant—Continued tender of rent—Proceedings by statutory tenant against mortgagor—Whether plaintiff in possession as statutory tenant or as mortgagee—Foreclosure or sale—Whether tenancy merged in mortgage.
Silsby v. Holliman, Upjohn J. [1955] Ch. 552; [1955] 2 W.L.R. 1090.

Mortgagee's right to interest

Solicitor executor of mortgagee—Notice by mortgagor to redeem—No actual tender—Claim by solicitor to lien on title deeds to mortgaged property for other moneys owing to him—Transfer of mortgage to solicitor—Delay in redemption owing to claim to lien—Mortgagee entitled to interest to date of repayment of capital.
Barratt v. Gough-Thomas (No. 2), Danckwerts J. [1951] W.N. 309; [1951] 2 T.L.R. 106; [1951] 2 All E.R. 48.

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Place of redemption. **Practice Direction,** Ch.D. [1954] 1 W.L.R. 1389.
Practice Direction, Ch.D. [1955] 1 W.L.R. 36.

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Whether mortgagee entitled to order for sale—Whether proviso for redemption in third mortgage "contract to the contrary"—Indian Transfer of Property Act, 1882 (Act XIV of 1882), s. 67. **Karachiwalla v. Nanji,** J.C. [1959] A.C. 518; [1958] 3 W.L.R. 572.

Registered land. *See* LAND REGISTRATION.

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Sale. (*See also* **Redemption.**)

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Agreement for lease—Authorized assignment of benefit of agreement—Equitable charge by assignee in favour of assignor—Second equitable charge by assignee in favour of plaintiff—Statutory power of leasing excluded in both charges—Unauthorized grant of underlease by mortgagor—Grant of lease to mortgagor—Confirmatory legal charge by mortgagor in favour of first mortgagee—Contract for sale of and conveyance of lease by first mortgagee to plaintiff—Contract but not conveyance expressed to be subject to underlease—Claim for possession by plaintiff against underlessee—Law of Property Act, 1925, ss. 87, 89 (1) (*a*). **Rust v. Goodale,** Harman J. [1957] Ch. 33; [1956] 3 W.L.R. 749.

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Sale by first mortgagees—Claim to surplus proceeds of sale by second mortgagees—Second mortgagees moneylenders—Payments to second mortgagees more than twelve months in arrear—Whether claim based on statutory trust maintainable—Law of Property Act, 1925, s. 105—Moneylenders Act, 1927, s. 13 (1).
C. & M. Matthews Ltd. v. Marsden Building Society, Harman J. [1951] Ch. 378; [1951] 1 T.L.R. 441.
C.A. [1951] Ch. 758; [1951] 1 T.L.R. 1114; [1951] 1 All E.R. 1053.

Small dwellings

Local authority first charge

Sale of premises by local authority—Whether local authority accountable out of surplus or second chargee—Small Dwellings Acquisition Act, 1899, s. 6 (2).
In re **Caunter's Charge,** Danckwerts J. [1960] Ch. 491; [1959] 3 W.L.R. 822.

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Subject to tenancy

Surrender

Weekly tenancy—Charge by way of legal mortgage subject to tenancy—Landlord's powers of leasing without consent excluded—Further tenancy without such consent—Surrender of first tenancy by operation of law as between landlord and tenant—First tenancy still binding on mortgagee.
Barclays Bank Ltd. v. Stasek, Danckwerts J. [1957] Ch. 28; [1956] 3 W.L.R. 760.

Subrogation

Moneys paid off by third party

Intention to keep mortgage alive for own benefit—Subsequent invalid mortgage to third party—Effect. **Ghana Commercial Bank v. Chandiram** [1960] A.C. 732; [1960] 3 W.L.R. 328.

MORTMAIN

Lease

Foreign company

Corporation purporting to hold residue of lease on land in United Kingdom—No licence in mortmain obtained from Crown—No compliance with Companies Acts requirements for holding land—Land forfeit to Crown from date of assignment—No right of action by company against tenant—Mortmain and Charitable Uses Act, 1888, ss. 1 (1), 2, 10—Mortmain and Charitable Uses Act, 1891, s. 3.
Morelle Ld. v. Waterworth. Rodnall v. Ludbrook, C.A. [1955] 1 Q.B. 1; [1954] 3 W.L.R. 257.

MORTMAIN—*continued.*

Lease (*Foreign company*)—*continued.*

Transfer of registered land—Company registered as proprietors of leasehold interest in land in United Kingdom—No licence in mortmain obtained from Crown—No compliance with Companies Acts requirements for holding land—Forfeiture to Crown from date of registration of transfer—Land registration—Practice—Leasehold possessory title—Validity of registration—Effect of non-compliance with statutory forms—Discretion of registrar—Magna Carta, 1225—Statute De Religiosis Viris, 1279—Charitable Uses Act, 1735—Mortmain and Charitable Uses Act, 1888, ss. 1 (1) (2), 10—Mortmain and Charitable Uses Act, 1891, s. 3—Land Registration Act, 1925, ss. 23 (1), 80, 144 (1)—Land Registration Rules, 1925, rr. 74, 121, 123, 322—Form 35.
Morelle Ld. v. Wakeling, C.A. [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672.

Forfeiture

Residue of term—Assignment to foreign company—" Assurance of lands in mortmain "—Whether automatic forfeiture to Crown—Land registration—Effect of registering assignment—Statute De Religiosis Viris, 1279—Mortmain and Charitable Uses Act, 1888, s. 1 (1)—Mortmain and Charitable Uses Act, 1891, s. 3—Land Registration Act, 1925, s. 23 (1). **Attorney-General v. Parsons,** C.A. [1955] Ch. 664; [1955] 3 W.L.R. 29; H.L.(E.) [1956] A.C. 421; [1956] 2 W.L.R. 153.

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NAME AND ARMS CLAUSE

Condition subsequent

Public policy and uncertainty

Direction to assume name as " last and principal surname "—Forfeiture if beneficiary should subsequently " disuse " name—Beneficiary a woman—Validity—Public policy—Uncertainty.
In re **Lewis' Will Trust,** Vaisey J. [1951] W.N. 591; [1951] 2 T.L.R. 1032.

Direction to " assume the surname "—Validity.
In re **Murray, decd.,** C.A. [1954] 3 W.L.R. 521; [1955] Ch.D. 69.

Direction to take and " use upon all occasions " surname.
In re **Neeld, decd.,** Cross J. [1960] Ch. 455; [1960] 2 W.L.R. 730.

Forfeiture if name and arms " disused "—Clause void for uncertainty.
In re **Bouverie,** Vaisey J. [1952] 1 T.L.R. 355; [1952] 1 All E.R. 408.

Public policy—Uncertainty. *In re* **Kersey,** Danckwerts J. [1952] W.N. 541.

Uncertainty—Forfeiture if beneficiary should " discontinue to bear and use " name and arms. *In re* **Wood's Will Trusts,** Wynn-Parry J. [1952] Ch. 406; [1952] 1 T.L.R. 670; [1952] 1 All E.R. 740.

———— Tenant for life not to " disuse " name or arms.
In re **Bouverie, decd.,** Vaisey J. [1952] Ch. 400; [1952] 1 T.L.R. 355; [1952] 1 All E.R. 408.

Unlikelihood of clause applying to married woman.
In re **Neeld, decd.,** Cross J. [1960] Ch. 455; [1960] 2 W.L.R. 730.

NATIONAL ASSISTANCE. *See* BASTARDY; HUSBAND AND WIFE (**Maintenance**).

NATIONAL HEALTH SERVICE. (*See also* NEGLIGENCE (**Hospital**).)

Hospital

Gift

Appeal to public—Appeal for funds for erection and maintenance of voluntary hospital—Scheme impracticable after National Health Service Act, 1946.
In re **Hillier's Trusts,** Upjohn J. [1954] 1 W.L.R. 9; C.A. [1954] 1 W.L.R. 700.

Bequest to three hospitals in Devon " most in need "—Effect of nationalisation—National Health Service Act, 1946, ss. 52, 54.
In re **Perreyman, decd.,** Danckwerts J. [1952] W.N. 355.

Forfeiture—" If any of their funds shall have come under government control "—Nationalisation—Endowment funds of teaching hospitals—Meaning of " government control "—National Health Service Act, 1946, ss. 1, 3, 6, 7, 11, 12, 57.
In re **Buzzacott,** Wynn-Parry J. [1953] Ch. 28; [1952] 2 T.L.R. 884; [1952] 2 All E.R. 1011.

" Endowment "—Discretionary trust—National Health Service Act, 1946, s. 7 (4).
In re **Galloway,** Sir Leonard Stone V.-C. [1952] 1 All E.R. 1379.

Gift to named hospital for particular purpose—Nationalization—Effect on gift—National Health Service Act, 1946. *In re* **Little, decd.,** Vaisey J. [1953] 1 W.L.R. 1132.

Gift to provide a " home of rest " for nurses of named hospital—Validity—Hospital now forming part of group of teaching hospitals—To whom gift payable—National Health Service Act, 1946, s. 60.
In re **White, decd.,** Harman J. [1951] W.N. 152; [1951] 1 All E.R. 528.

NATIONAL HEALTH SERVICE—*continued.*

Hospital (*Gift*)—*continued.*

Legacy—Endowment of bed—No quantification—Nationalization—Hospital willing to accept £1,000 to name bed—Effect of legacy.
In re **Mills and Mills, decd.**, Upjohn J. [1953] 1 W.L.R. 554.

——— Nationalisation before death of testator—Legacies "to be added to the invested "funds of the respective charities to which they are given"—How distributable—National Health Service Act, 1946.
In re **Meyers**, Harman J. [1951] Ch. 534; [1951] 1 T.L.R. 435; [1951] 1 All E.R. 538.

Settlement—Trusts in favour of hospitals—Power to trustees if hospital "amalgamated "with or absorbed in any other charity or institution" to pay its share to or for the benefit of that charity or institution or for "other objects or purposes of charity or "benevolence or amelioration of human suffering or advancement of knowledge"—National Health Service Act, 1946 (9 & 10 Geo. 6, c. 81), ss. 11 (8), 60 (1).
In re **Bawden's Settlement**, Danckwerts J. [1954] 1 W.L.R. 33n.

War memorial cottage hospital—Permanent charity—Entitled to retain bequest—Not affected by nationalization of hospital.
In re **Bagshaw, decd.**, Danckwerts J. [1954] 1 W.L.R. 238.

Will—Direction to trustees "to found a cot in the Westminster Hospital . . . and to "use . . . 1,000l. free of duty"—Hospital endowment scheme allowing donors to nominate patients—Nationalisation—Power of nomination abolished—Validity of gift.
In re **Ginger, decd.**, Roxburgh J. [1951] Ch. 458; [1951] 1 T.L.R. 750;
[1951] 1 All E.R. 422.

——— Gift to department of medical school—Gift over to Royal College of Surgeons if hospital nationalised—Nationalisation of hospital but not medical school—Effect of nationalisation of hospital on gift—Whether gift to school failed—National Health Service Act, 1946, ss. 6, 7, 8, 11 (8), 15 (1).
In re **Bland-Sutton's Will Trusts**, Danckwerts J. [1951] Ch. 70;
66 T.L.R. (Pt. 2) 519; [1950] 2 All E.R. 466.
C.A. [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494.
Sub nom. **Royal College of Surgeons of England v. National Provincial Bank Ltd.**,
H.L.(E.) [1952] A.C. 631; [1952] 1 T.L.R. 978; [1952] 2 All E.R. 984.

——— Gift to trustees of infirmary and dispensary in memory of testator's father—Nationalisation before death of testator—Effect of gift—National Health Service Act, 1946, s. 60. *In re* **Hunter**, Vaisey J. [1951] Ch. 190; [1951] 1 All E.R. 58.

——— Residuary devise—Whether gift to nationalised hospital a charitable bequest—National Health Service Act, 1946, s. 59.
In re **Frere, decd.**, Wynn-Parry J. [1951] Ch. 27.

——— Trust funds to be divided equally between named hospitals—Whether "in "existence"—Power of exclusion if "it shall be impracticable or inequitable that "such institution . . . should so share in consequence of . . . having . . . become "amalgamated with some other institution or institutions"—Effect of National Health Service Act, 1946. *In re* **Hayes' Will Trusts**, Vaisey J. [1954] 1 W.L.R. 22.

Meaning

Home for incurables—No curative treatment provided—Whether home transferred to Ministry of Health—National Health Service Act, 1946, ss. 6 (1), 79 (1).
Minister of Health v. Royal Midland Counties Home for Incurables,
Vaisey J. [1954] 1 W.L.R. 79;
C.A. [1954] Ch. 530; [1954] 2 W.L.R. 755.

Institution for the "reception and treatment" of persons—Orthopaedic clinic—National Health Service Act, 1946, s. 79.
In re **Couchman**, Danckwerts J. [1952] Ch. 391; [1952] 1 T.L.R. 437;
[1952] 1 All E.R. 439.

Negligence. See NEGLIGENCE (**Hospital**).

Nuisance

Smoke—Jurisdiction of justices.
Nottingham No. 1 Area Hospital Management Committee v. Owen,
Divl.Ct.[1958] 1 Q.B. 50; [1957] 3 W.L.R. 707.

Status of hospital board of governors

Whether agents of Minister—National Health Service Act, 1946, ss. 12, (3), 13 (1), 14.
Hills (Patents) Ld. v. University College Hospital Board of Governors,
C.A. [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523.

Specialist

Duty of Minister to provide "services of specialists"—Extension of duty to treatment carried out by specialists—Specialist acting as agent of Minister—National Health Service Act, 1946, s. 3 (1) (*c*). **Razzel v. Snowball**, C.A. [1954] 1 W.L.R. 1382.

Transfer to Minister

Reversionary interest in hospital—National Health Service Act, 1946, s. 6 (2).
Minister of Health v. Stafford Corpn., Danckwerts J. [1952] W.N. 153;
[1952] 1 All E.R. 744.
C.A. [1952] Ch. 730; [1952] 2 T.L.R. 302; [1952] 2 All E.R. 386.

NATIONAL HEALTH SERVICE—*continued.*

Hospital (*Transfer to Minister*)—*continued.*

Whether premises used solely for purposes of the hospital—National Health Service Act, 1946, s. 6 (1).
In re **Marjoribanks' Trust Deed,** C.A. [1952] Ch. 181; [1952] 1 T.L.R. 224; [1952] 1 All E.R. 191.

Transferred officer

Transfer to service of regional hospital board on setting up of national health service—Terms and conditions of service—Consultant's refusal to accept permanent contract owing to dissatisfaction with terms offered—Termination of services by board—Validity—Duty of Minister to hear appeal—National Health Service Act, 1946, ss. 6 (2), 14 (1), 68 (1)—National Health Service (Transfer of Officers and Compensation) Regulations, 1948, reg. 4.
Barber v. Manchester Regional Hospital Board, Barry J. [1958] 1 W.L.R. 181.

Superannuation

Determination by Minister

Whether subject to review—Plaintiff's claim to be a mental health officer within the meaning of the regulations—Prior determination by Minister that plaintiff not mental officer—" Any question arising under these regulations . . . shall be determined by " the Minister "—Whether jurisdiction of court to determine plaintiff's claim ousted by regulations—Powers of the court—Powers of the Minister—National Health Service Act, 1946, s. 67 (1)—National Health Service (Superannuation) Regulations, 1950, reg. 60. **Healey v. Minister of Health,** Cassels J. [1954] 2 Q.B. 221; [1954] 3 W.L.R. 222.
C.A. [1955] 1 Q.B. 221; [1954] 3 W.L.R. 815.

NATIONAL INSURANCE

Case stated

Form

Importance of setting out grounds of decision—R.S.C., Ord. 55B.
Benjamin v. Minister of Pensions and National Insurance, Salmon J. [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430.

Contribution

Exception

" Income "—Whether net or gross income to be considered for purposes of exception from contribution—National Insurance Act, 1946, s. 5 (1) (*a*) (iii).
Longsdon v. Minister of Pensions and National Insurance, Havers J. [1956] 1 Q.B. 587; [1956] 2 W.L.R. 176.

Failure to pay

Conviction for failing to pay one contribution—Order for payment of arrears—Committal for failure to comply with order—Whether " enforceable as a civil debt "—Whether " recoverable as a penalty "—National Insurance Act, 1946, ss. 8 (1) (*c*), 54 (1)—Magistrates' Courts Act, 1952, s. 64, Sched. 3, paras. 3, 4—National Insurance (Contributions) Regulations, 1948, reg. 19 (5).
Reg. v. Marlow (Bucks) Justices. *Ex parte* **Schiller,** Divl.Ct. [1957] 2 Q.B. 508; [1957] 3 W.L.R. 399.
Shilvock v. Booth, Divl.Ct. [1956] 1 W.L.R. 135.
Leach v. Litchfield, Divl.Ct. [1960] 1 W.L.R. 1392.

Recovery of contributions—Arrears payable under National Health Insurance Act, 1936—Whether recoverable by Ministry as debts due to Crown—National Insurance Act, 1946, ss. 54 (1), 66 (1) (*a*).
Ministry of National Insurance v. Barrs, C.A. [1951] 1 All E.R. 532.

Ship's master

Agreement by owner to pay employer's and employee's proportion—Failure of owner to pay either—Equivalent to master's wages.
Skeldon v. M.V. Gee Whiz, The Gee Whiz, Willmer J. [1951] W.N. 141; [1951] 1 T.L.R. 407; [1951] 1 All E.R. 876.

Employed person

Gainfully occupied

Paralysed person—Cost of getting to work exceeding remuneration—Whether profit the criterion—National Insurance Act, 1946, s. 1 (2) (*a*).
Vandyk v. Minister of Pensions and National Insurance, Slade J. [1955] 1 Q.B. 29; [1954] 3 W.L.R. 342.

Solicitor's articled clerk—Articles of clerkship containing no provision for remuneration—£100 paid during one year in four equal instalments to be used for holidays—Whether payment made under contract of service—Whether payment for services or personal gift—National Insurance Act, 1946, s. 1 (2) (*a*) (*c*).
Benjamin v. Minister of Pensions and National Insurance, Salmon J. [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430.

Music-hall artiste

" Employed person "—" Self-employed person "—Employment under standard form of contract—Test of status—Degree of control—National Insurance Act, 1946, s. 1 (2) (*a*) (*b*). **Gould v. Minister of National Insurance,** Ormerod J. [1951] 1 K.B. 731; [1951] 1 T.L.R. 341; [1951] 1 All E.R. 368.

NATIONAL INSURANCE—*continued.*

Fictitious insurance stamps

Unauthorised dealer

Possession of fictitious stamps without lawful excuse—Innocent purchase from unauthorised seller—Whether lawful excuse—Post Office Act, 1908, s. 65 (1)—Industrial Injuries (Stamps) Regulations, 1948.

Winkle v. Wiltshire, Divl.Ct. [1951] 1 K.B. 684; [1951] 1 T.L.R. 368; [1951] 1 All E.R. 479.

Industrial injuries benefit

Fresh evidence

Power to review previous decision—Further report of surgeon on claimant's injury—Whether "fresh evidence"—National Insurance (Industrial Injuries) Act, 1946, s. 40 (1).

Reg. v. Medical Appeal Tribunal (North Midland Region). *Ex parte* **Hubble,** Divl.Ct. [1958] 2 Q.B. 228; [1958] 3 W.L.R. 24. C.A. [1959] 2 Q.B. 408; [1959] 3 W.L.R. 456.

Injury arising in the course of employment

Whether arising out of employment—Burden of proof—National Insurance (Industrial Injuries) Act, 1946, s. 7 (4).

Reg. v. National Insurance (Industrial Injuries) Commissioner. *Ex parte* **Richardson,** Divl.Ct. [1958] 1 W.L.R. 851.

Jurisdiction of medical appeal tribunal

Appeal by claimant—Power to set aside award of medical board in claimant's favour—National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6, c. 62), s. 39 (2) (3).

Reg. v. Medical Appeal Tribunal (North Midland Region). *Ex parte* **Hubble,** Divl.Ct. [1958] 2 Q.B. 228; [1958] 3 W.L.R. 24. C.A. [1959] 2 Q.B. 408; [1959] 3 W.L.R. 456.

Paired organ, injury to

Decision by medical appeal tribunal—Error of law on face of decision—Statute providing that "any decision of a claim or question . . . shall be final"—Remedy by certiorari not taken away—National Insurance (Industrial Injuries) Act, 1946, ss. 36 (2) (3), 40 (1)—National Insurance (Industrial Injuries) (Benefit) Regulations, 1948, reg. 2 (5)—National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations, 1948, reg. 13.

Reg. v. Medical Appeal Tribunal. *Ex parte* **Gilmore,** C.A. [1957] 1 Q.B. 574; [1957] 2 W.L.R. 498.

Injury to fingers—Fingers part of the hand—Hands paired organs—National Insurance (Industrial Injuries) (Benefit) Regulations, 1948, reg. 2 (5).

Reg. v. Medical Appeal Tribunal at London. *Ex parte* **Burpitt,** Divl.Ct. [1957] 2 Q.B. 584; [1957] 3 W.L.R. 447.

Whether legs "paired organs"—National Insurance (Industrial Injuries) (Benefit) Regulations, 1948, reg. 2 (5).

Reg. v. Medical Appeal Tribunal for South Wales District. *Ex parte* **Griffiths,** Divl.Ct. [1958] 1 W.L.R. 517.

Transitional provisions

Industrial disease—Disability occurring before statutory insurance scheme in force—Disease continuing after scheme in force—Claim to workmen's compensation made in 1950—Workmen's Compensation Act, 1925, ss. 1 (1), 43 (1)—National Insurance (Industrial Injuries) Act, 1946, ss. 1 (1), 55 (1) (4), 89 (1).

Bagley v. National Coal Board, C.A. [1951] 2 T.L.R. 587.

——————— Pneumoconiosis—Employment as miner for thirty years to October, 1946—Woodworker until May, 1949—Certification in August, 1949, as totally incapacitated from May, 1949—Claim to compensation—Workmen's Compensation Act, 1925, s. 47—Coal Mining Industry (Pneumoconiosis) Compensation Scheme, 1943—National Insurance (Industrial Injuries) Act, 1946, s. 89 (1), proviso (*a*).

Mobberley and Perry Ltd. v. Holloway, C.A. [1951] 1 K.B. 316; [1950] 2 All E.R. 716. H.L.(E.) [1952] A.C. 133; [1951] 2 T.L.R. 450; [1951] 2 All E.R. 627.

——————— Workman's claim for both injury benefit and compensation—Validity—Workmen's Compensation Act, 1925, ss. 1, 9, 43, Sch. III—National Insurance (Industrial Injuries) Act, 1946, ss. 1, 55, 89 (1), proviso (*a*).

Hales v. Bolton Leathers Ltd., H.L.(E.) [1951] A.C. 531; [1951] 1 T.L.R. 570; [1951] 1 All E.R. 643.

Sickness benefit

Detention in legal custody

Mental defective—Person of unsound mind—Person detained in mental homes as a result of criminal proceedings—Whether disqualified from receiving benefits—Criminal Justice Act, 1948, s. 66—National Insurance Act, 1946, s. 29 (1) (*b*).

Regina v. National Insurance Commissioner. *Ex parte* **Timmis,** Divl.Ct. [1955] 1 Q.B. 139; [1954] 3 W.L.R. 614.

NATIONAL SERVICE

Liability to

Ireland

Applicability of English statutes passed before 1949 to citizens of Republic of Ireland—Liability of Irish citizens if ordinarily resident in Great Britain—Temporary residence

NATIONAL SERVICE—*continued.*

Liability to (*Ireland*)—*continued.*

—National Service Act, 1948, s. 34 (4)—British Nationality Act, 1948, s. 3 (2)—Ireland Act, 1949, s. 3 (1) (2). **Bicknell v. Brosnan,** Divl.Ct. [1953] 2 Q.B. 77; [1953] 2 W.L.R. 1052.

"*Minister*"

Exemption as "regular minister of any religious denomination"—Officials of Jehovah's Witnesses—National Service Act, 1948, Sch. I, para 2.
Walsh v. Lord Advocate, H.L.(Sc.) [1956] 1 W.L.R. 1002.

NATIONALITY. (*See also* ALIEN.)

Naturalization

Local naturalization

Plaintiff's father naturalized in Burma—Status of plaintiff under Burma Independence Act—"British subject by naturalization"—Indian Naturalization Act (XXX of 1852)—Burma Independence Act, 1947, s. 2 (1), Sch. I, paras. 1, 2 (2).
Bulmer v. Attorney-General, Vaisey J. [1955] Ch. 558; [1955] 3 W.L.R. 197.

Royal family

Statutory naturalization of Princess Sophia and "all persons lineally descending from "her"—Whether limited to persons born in Queen Anne's lifetime—Effect of preamble on interpretation of statute—Princess Sophia Naturalization Act (4 Anne, c. 4).
Att.-Gen. v. Prince Ernest Augustus of Hanover, Vaisey J. [1955] Ch. 440; [1955] 2 W.L.R. 613.
C.A. [1956] Ch. 188; [1955] 3 W.L.R. 868.
H.L.(E.) [1957] A.C. 436; [1957] 2 W.L.R. 1.

NATIONALIZATION

See AIRCRAFT; ELECTRICITY; GAS; MINES; NATIONAL HEALTH; TRANSPORT.

NATURAL JUSTICE. (*See also* TRIBUNAL.)

Arbitrator

Misconduct

Radical departure from cases submitted by parties—Insufficient warning to parties.
Société Franco-Tunisienne D'Armement-Tunis v. Governor of Ceylon, C.A. [1959] 1 W.L.R. 787.

Trade custom

Alleged custom that umpire should remain with appeal board in absence of parties—Whether adoption of custom contrary to natural justice.
London Export Corporation Ltd. v. Jubilee Coffee Roasting Co. Ltd., Diplock J. [1958] 1 W.L.R. 271.
C.A. [1958] 1 W.L.R. 661.

Notice of proceedings

Divorce suit

Igra v. Igra, Pearce J. [1951] P. 404; [1951] 2 T.L.R. 670.
Wood v. Wood, C.A. [1957] P. 254; [1957] 2 W.L.R. 826.

Notice of decision.

Court of formal investigation—Form of report in quasi-penal proceedings—Report subsequently amended after reading in open court—Effect of amended report.
The Corchester, Divl.Ct. [1957] P. 84; [1956] 3 W.L.R. 1090.

Notice of issues.

Stewards of National Hunt Committee—Disqualification of trainer.
Davis v. Carew-Pole, Pilcher J. [1956] 1 W.L.R. 833.

Open court. *See* OPEN COURT.

Opportunity to meet charge. (*See also* **Notice of proceedings.**)

Notice of charge

Court of formal investigation—Expression of censure without previous notice of charge against officer censured. **The Seistan,** Admiralty [1960] 1 W.L.R. 186.

Trade association

Disqualification recommended—Remedy of injunction and damages—Contractual relationship—Necessity.
Byrne v. Kinematograph Renters Society Ltd., Harman J [1958] 1 W.L.R. 762.

Whether accused entitled to question witnesses

University—Allegation of pre-knowledge of examination paper—Inquiry under domestic statute. **Ceylon University v. Fernando,** J.C. [1960] 1 W.L.R. 223.

NEGLIGENCE. (*See also* OCCUPIERS' LIABILITY.)

Act within scope of employment. *See* VICARIOUS LIABILITY.

Aircraft. *See* AIRCRAFT.

Animal straying. *See* ANIMAL.

NEGLIGENCE—*continued.*

Burden of proof

Res ipsa loquitur

Brick falling from occupier's building on to user of highway—Contractors and subcontractors engaged on work involving dislodgment of bricks—Whether brick speaks against more than one defendant—No explanation as to why brick fell—Evidence of safe system—Whether onus discharged.
Walsh v. Holst & Co. Ltd., C.A. [1958] 1 W.L.R. 800.

Child straying from school on to highway—Driver killed in avoiding him—Liability of education authority.
Carmarthen County Council v. Lewis, C.A. [1953] 1 W.L.R. 1439.
H.L.(E.) [1955] A.C. 549; [1955] 2 W.L.R. 517.

Hospital—Operation on plaintiff's hand requiring post-operational treatment—Whole treatment carried out by hospital staff—Hand rendered useless—Whether staff negligent—Hospital's liability—National Health Service Act, 1946.
Cassidy v. Ministry of Health, C.A. [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574.

Inexplicable accident—Whether onus discharged if several possible causes proved consistent with absence of negligence—Proof of negligence.
Moore v. R. Fox & Sons, C.A. [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342.

Operation under control of two persons—Hospital—Anaesthetist—Operations—Injection of spinal anaesthetic—Ampoule cracked—Contamination by phenol—Plaintiffs permanently paralysed—Liability of hospital for acts of specialist anaesthetist—Respondeat superior—Liability of anaesthetist.
Roe v. Minister of Health. Woolley v. Same, McNair J. [1954] 1 W.L.R. 128;
C.A. [1954] 2 Q.B. 66; [1954] 2 W.L.R. 915.

Tanker stranded in estuary of river—Refloated by jettison of oil cargo—Damage to foreshore by oil. **Esso Petroleum Co. Ltd. v. Southport Corpn.**
Devlin J. [1953] 3 W.L.R. 773;
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.
H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Safe system of work

Failure to follow usual precautions.
Brown v. Rolls Royce Ltd., H.L.(Sc.) [1960] 1 W.L.R. 210.

Failure to provide safe plant—Railway wagon in dangerous condition—"Dock use only" wagon—Whether defendants exercised reasonable care.
McDonald v. British Transport Commission, Pilcher J. [1955] 1 W.L.R. 1323.

Pleading—Whether onus on servant to show alternative and safe system.
Dixon v. Cementation Co. Ltd., C.A. [1960] 1 W.L.R. 746.

Causation. *See* **Contributory negligence**; CAUSATION.

Child

Cause of injury. (*See also* **Duty of care to whom?**)

Firearm—Injuries caused by child with air-gun—Parents' responsibility.
Donaldsen v. McNiven, C.A. [1952] W.N. 466; [1952] 1 All E.R. 1213.

——— Liability of parent—Shotgun.
Newton v. Edgerley, Lord Parker C.J. (Manchester Assizes) [1959] 1 W.L.R. 1031.

Injury to. (*See also* **Duty of care to whom**; OCCUPIERS' LIABILITY.)

Contractors' liability—Building site—Child injured while playing upon trailer—Liability of contractors—Whether occupiers of the site—Duty of care—Extent of duty.
Creed v. McGeoch & Sons Ld., Ashworth J. [1955] 1 W.L.R. 1005.

——————————— Trespasser—Demolition work—Child injured while interfering with partly demolished wall—Liability of contractors—Duty of care—Extent.
Davis v. St. Mary's Demolition and Excavation Co. Ltd.,
Ormerod J. [1954] 1 W.L.R. 592.

Ice-hockey match—Spectator, an infant, injured by rubber puck—Duty of promoters only to take due care to ensure safety—Risk incidental to game accepted by plaintiff.
Murray v. Harringay Arena Ltd., Ormerod J. [1951] W.N. 38.
C.A. [1951] 2 K.B. 529; [1951] 2 All E.R. 320.

Railway—Child killed by fall from corridor of guard's van—Internal handle to door—Whether danger reasonably foreseeable.
O'Connor v. British Transport Commission, C.A. [1958] 1 W.L.R. 346.

School—Child straying from school onto highway—Lorry-driver killed avoiding accident—Liability of education authority.
Lewis v. Carmarthen County Council, C.A. [1953] 1 W.L.R. 1439.

——— Injury to pupil in gymnasium—Standard of care—Established practice followed.
Wright v. Cheshire County Council, C.A. [1952] W.N. 466; [1952] 2 T.L.R. 641; [1952] 2 All E.R. 789.

——— Schoolboy injured by coke thrown by another scholar—Coke heaped in school playground and not fenced—Duty of education authority.
Rich v. London County Council, C.A. [1953] 1 W.L.R. 895.

NEGLIGENCE—*continued.*

Common employment

Coal mine

Shot-firer's breach of statutory duty—Mine worker injured by explosion—Liability of mine owner or manager—General Regulations, 1913, made under s. 86 of the Coal Mines Act, 1911, reg. 1—Explosives in Coal Mines Order, 1934, arts. 2 (*e*) (*h*), 6 (*a*) —Coal Mines Act, 1911, ss. 61, 74, 75, 86, 89, 90.

Harrison v. National Coal Board, H.L.(E.) [1951] A.C. 639; [1951] 1 T.L.R. 1079; [1951] 1 All E.R. 1102.

Contributory negligence

Injury caused by fellow workman—Employer's liability—Test of standard of care distinguished from test for contributory negligence—Employer's duty of reasonable care not diminished by delegation.

Staveley Iron and Chemical Co. Ltd. v. Jones, C.A. [1955] 1 Q.B. 474; [1955] 2 W.L.R. 69. H.L.(E.) [1956] A.C. 627; [1956] 2 W.L.R. 479.

Joint negligence

Gang of workmen jointly negligent in unloading cargo—Member of gang injured—Whether duty owed to injured workman by fellow workmen—Liability of employer.

Williams v. Port of Liverpool Stevedoring Co. Ltd., Lynskey J. [1956] 1 W.L.R. 551.

Contract

Exemption clause. See CONTRACT (**Exceptions clause**).

Contractor. (*See also* **Child**; OCCUPIERS' LIABILITY.)

Duty to licensee

Duty to residents in and visitors to premises—Work in progress—Normal means of access made impassable—Dangerous alternative route—Injury to visitor using it—Liability.

A. C. Billings & Sons Ltd. v. Riden, C.A. [1957] 1 Q.B. 46; [1956] 3 W.L.R. 704. H.L.(E.) [1958] A.C. 240; [1957] 3 W.L.R. 496.

Duty to sub-contractors' workmen

Erection of scaffold—Fall of workman—Liability of erectors of scaffolding.

Pratt v. Richards, Barry J. [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90.

Indemnity clause

Contractors painting travelling crane in another's factory—Contractor's foreman told by occupiers' foreman that crane safe—Personal injury by accident due to unsafe condition of crane—Default of occupiers sole cause—Occupiers' claim under indemnity clause —Whether breach of duty by contractors in laying out work.

Bott v. Prothero Steel Tube Co. Ltd.; L. Dainty Ltd. (third party), C.A. [1951] W.N. 595.

Contributory negligence. (*See also* JOINT TORTFEASORS; STATUTORY DUTY.)

Causation

Metal moulding—Protective clothing available for workman—No orders or advice to wear it—Workman injured.

Haynes v. Qualcast (Wolverhampton) Ltd., C.A. [1958] 1 W.L.R. 225.

Metalliferous mine—Order by foreman to two miners to fetch down insecure roof—Failure by miners to obey order—No report by miners to foreman—Resumption of work under roof by one miner—Death through fall of roof—Widow's action against employers.

Stapley v. Gypsum Mines Ltd., C.A. [1952] 2 Q.B. 575; [1952] 1 All E.R. 1092. H.L.(E.) [1953] A.C. 663; [1953] 3 W.L.R. 279.

Private roadway—Plaintiff riding on back of vehicle contrary to defendant employers' orders—Injured by following vehicle of defendants—Whether plaintiff's so riding a cause of his injuries—Law Reform (Contributory Negligence) Act, 1945, ss. 1 and 4.

Jones v. Livox Quarries Ltd., C.A. [1952] 2 Q.B. 608; [1952] 1 T.L.R. 1377.

Road accident—Lorry left pointing obliquely across roadway—Injury to motor-cyclist—Cyclist and lorry—Closely connected causes not severable—Doctrine of last opportunity obsolete or inapplicable.

Harvey v. Road Haulage Executive, C.A. [1952] 1 K.B. 120.

Costs

Damages apportioned—Whether costs to be apportioned—Law Reform (Contributory Negligence) Act, 1945, s. 1.

McCarthy v. Raylton Productions Ltd., C.A. [1951] W.N. 376.

Duty owed by injured party

Motor-vehicle's collision with pedestrian—Plea of contributory negligence—Whether duty owed by injured party to party sued—Duty to act carefully—Death of injured party—Damages—Quantum.

Nance v. British Columbia Electric Railway Co. Ltd., J.C. [1951] A.C. 601; [1951] 2 T.L.R. 137; [1951] 2 All E.R. 448.

Inadvertence of workman

Shunter riding on locomotive steps—Duty of care enhanced—Knowledge of special risks—Failure to see lever—Inexcusable inadvertence amounting to negligence.

Hicks v. British Transport Commission, C.A. [1958] 1 W.L.R. 493.

NEGLIGENCE—*continued.*

Contributory negligence—*continued.*

Injury caused by fellow workman

Employer's liability—Test of standard of care.

Staveley Iron & Chemical Co. Ltd. v. Jones, C.A. [1955] 1 Q.B. 474; [1955] 2 W.L.R. 69;
H.L.(E.) [1956] A.C. 627; [1956] 2 W.L.R. 479.

Principle of

Motor-car—Collision—Canada.

Sigurdson v. British Columbia Electric Ry. J.C. [1953] A.C. 291.

Cricket ball. *See* **Duty of care to whom?**

Damages. *See* DAMAGES.

Dangerous thing. (*See also* **Duty of care to whom; Safe system;** RYLANDS *v.* FLETCHER.)

Car in dangerous condition

Condition discoverable by reasonable diligence on the part of supplier—Buyer injured in collision—Liability of supplier.

Andrews v. Hopkinson, McNair J. [1957] 1 Q.B. 229; [1956] 3 W.L.R. 732.

Electricity supply

Fault in consumer's installation—Liability of suppliers—Failure to test earthing arrangements before commencing to give supply—Electricity Supply Regulations, 1937, reg. 27 (*a*). **Sellars v. Best,** Pearson J. [1954] 1 W.L.R. 913.

Standard of care

"Consummate care" required—Calor gas container—Leakage—Explosion—Injury—Liability. **Beckett v. Newalls Insulation Co. Ld.,** C.A. [1953] 1 W.L.R. 8.

Dangerous premises. *See* **Contractor**; OCCUPIERS' LIABILITY.

Doctor. *See* **Hospital.**

Donoghue v. Stevenson. *See* **Duty of care to whom?**

Duty of care to whom? (*See also* **Dangerous thing; Standard of care;** OCCUPIERS' LIABILITY.)

Animal. See ANIMAL (**Straying**).

Careless misrepresentation

Accountant—Company's accounts prepared by company's accountants—Shown to plaintiff wishing to invest money—Accounts carelessly drawn up—Misleading—Plaintiff lost investment—Whether action against accountants maintainable.

Candler v. Crane, Christmas & Co., C.A. [1951] 2 K.B. 164; [1951] 1 T.L.R. 371;
[1951] 1 All E.R. 426.

Contractor. See **Contractor.**

Child, injury by

Child straying from school onto highway—Driver killed in avoiding him—Liability of education authority. **Carmarthenshire County Council v. Lewis,**
C.A. [1953] 1 W.L.R. 1439.
H.L.(E.) [1955] A.C. 549; [1955] 2 W.L.R. 517.

Scaffolding—Overturned by boys—Other children injured—Whether events which happened reasonably foreseeable.

Cuttress v. Scaffolding (Great Britain) Ld., C.A. [1953] 1 W.L.R. 1311.

Child, injury to. (*See also Shock*; **Child.**)

Pile of mortar left in gutter of road by householder—Whether dangerous allurement to children. **Prince v. Gregory,** C.A. [1959] 1 W.L.R. 177.

Cricket ball, injury by

Cricket club ground—Ball hit into highway—Pedestrian on highway injured—Liability.

Bolton v. Stone, H.L.(E.) [1951] A.C. 850; [1951] 1 T.L.R. 977;
[1951] 1 All E.R. 1078.

Intermediate inspection. (*See also* **Contractor.**)

Defective tackle—Injury to workman—Knowledge of defect.

Gledhill v. Liverpool Abattoir Utility Co. Ltd., C.A. [1957] 1 W.L.R. 1028.

Manufacturer

Injury caused by tool with latent defect—Makers' liability.

Davie v. New Merton Board Mills Ltd., Ashworth J. [1957] 2 Q.B. 368;
[1957] 2 W.L.R. 747.

Rescuer

Employees overcome by fumes in well—Dangerous system of work—Employees ordered not to go down well—Whether orders sufficiently precise and urgent to absolve employers from blame—Attempt by doctor to rescue employees—Death of doctor—Whether right of action in injured rescuer when peril caused by negligent act arising out of relationship of master and servant.

Baker v. T. E. Hopkins & Son Ltd., Barry J. [1958] 1 W.L.R. 993.

Shock

Death of husband—Negligence of driver of motor-vehicle—Wife injured and rendered unconscious in same accident—Wife later told of husband's death—Liability of driver to wife for shock.

Schneider v. Eisovitch, Paull J. [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169.

NEGLIGENCE—*continued.*

Duty of care to whom? (*Shock*)—*continued.*

Injury to child—Negligence of driver of motor-vehicle—Liability to mother for shock—Area of potential danger.
King v. Phillips, McNair J. [1952] W.N. 393; [1952] 2 T.L.R. 277; [1952] 2 All E.R. 459.
C.A. [1953] 1 Q.B. 429; [1953] 2 W.L.R. 526.

Factory. *See* **Safe system of work**; FACTORY.

Fire. (*See also* FIRE; METROPOLIS.)

Escape of

Fire due to negligence of workmen employed by occupier of premises—Liability of occupier for spread of fire to adjoining premises—Whether fire due to act of stranger.
Balfour v. Barty-King, Havers J. [1956] 1 W.L.R. 779.
C.A. [1957] 1 Q.B. 496; [1957] 2 W.L.R. 84.

Hospital. (*See also* **Burden of proof**; *Res ipsa loquitur.*)

Hospital management committee

Whether action maintainable against committee—National Health Service Act, 1946, ss. 13, 72—Public Health Act, 1875, s. 265.
Bullard v. Croydon Hospital Group Management Committee, Parker J. [1953] 1 Q.B. 511; [1953] 2 W.L.R. 470.

Negligence of medical staff

Doctor employed by hospital board—Negligence of doctor—Death of patient—Insufficient experience of doctor—Indemnity and contribution—Whether servant liable to indemnify master—Apportionment of blame.
Jones v. Manchester Corpn., C.A. [1952] 2 Q.B. 852; [1952] 1 T.L.R. 1589; [1952] 2 All E.R. 125.

Doctors and surgeons employed under contract of service—Liability of hospital—National Health Service Act, 1946.
Cassidy v. Ministry of Health, C.A. [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574.

Electro-convulsive therapy—Patient injured during course of treatment—Varying methods of administering treatment—Method adopted in accordance with one body of medical opinion—Liability of hospital. **Bolam v. Friern Hospital Management Committee,** McNair J. [1957] 1 W.L.R. 589.

Injection of spinal anaesthetic—Patient paralysed—Liability of hospital for acts of anaesthetist.
Roe v. Minister of Health. Woolley v. Same, McNair J. [1954] 1 W.L.R. 128; C.A. [1954] 2 Q.B. 66; [1954] 2 W.L.R. 915.

Part-time specialist—Vicarious liability—National Health Service.
Higgins v. North West Metropolitan Hospital Board and Bach, Pilcher J. [1954] 1 W.L.R. 411.

Resident house physician

Claim against hospital for loss by theft of personal effects—Whether relation of parties that of boarding-house keeper and boarder or master and servant.
Edwards v. West Herts Group Hospital Management Committee, C.A. [1957] 1 W.L.R. 415.

Husband and wife. *See* HUSBAND AND WIFE (**Tort**).

Ice hockey match. *See* **Child** (*Injury to*).

Indemnity. *See* WORKMEN'S COMPENSATION (**Payment to employee**).

Joint tortfeasors. *See* JOINT TORTFEASORS.

Limitation of action. *See* LIMITATION OF ACTION.

Master and servant. *See* **Common employment**; **Standard of care**; **Safe system of work**; MASTER AND SERVANT; VICARIOUS LIABILITY.

Meaning

Contract

Indemnity clause—Whether breach of statutory duty is negligence
Murfin v. United Steel Companies Ltd., C.A. [1957] 1 W.L.R. 104.

Medical practitioner. *See* **Hospital.**

Neighbour, who is my? *See* **Duty of care to whom?**

Occupier. *See* OCCUPIERS' LIABILITY.

Omnibus conductor

Duty to passengers

Alighting passengers. **Prescott v. Lancashire United Transport Co. Ld.,** C.A. [1953] 1 W.L.R. 232.

Onus of proof. *See* **Burden of proof.**

Railway. *See* RAILWAY.

Rescuer. *See* **Duty of care to whom?**

Road race. *See* ROAD TRAFFIC (**Negligence**).

NEGLIGENCE—*continued.*

Road traffic. *See* ROAD TRAFFIC.

Rylands v. Fletcher. *See* RYLANDS *v.* FLETCHER.

Safe system of work. (*See also* **Common employment; Contributory negligence.**)

Access to place of work

Employer's premises wholly surrounded by private land—No means of access from public highway—Duty of employer to provide safe route to premises.
Ashdown v. Samuel Williams & Sons Ltd., Havers J. [1956] 2 Q.B. 580; [1956] 3 W.L.R. 128.
C.A. [1957] 1 Q.B. 409; [1956] 3 W.L.R. 1104.

Work on third party's premises.
Smith v. Austin Lifts Ltd., H.L.(E.) [1959] 1 W.L.R. 100.

——— Hold of ship.
Mace v. R. & H. Green & Silley Weir Ltd., Lord Parker C.J. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504.

Burden of proof. See **Burden of proof.**

Contributory negligence. See **Contributory negligence.**

Dangerous animal. See General precautions.

Dangerous employee

Injury caused to fellow workman—Failure by employer to prevent habitual horseplay of one workman known to be likely to injure other servants.
Hudson v. Ridge Manufacturing Co. Ltd., Streatfeild J. [1957] 2 Q.B. 348; [1957] 2 W.L.R. 948.

Dangerous premises. (*See also Fencing.*)

Chemist's shop—Porter's fall on stairs—Raised edge of linoleum—Whether dangerous.
Joyce v. Boots Cash Chemists (Southern) Ltd., C.A. [1951] W.N. 176; [1951] 1 All E.R. 682.

Coal mine—Unsafe roof in mine—Employers undertaking work under contract with occupiers of mine—Breach of statutory duty by occupiers—Accident to employee—Liability of employers.
Szumczyk v. Associated Tunnelling Co. Ltd., Ashworth J. [1956] 1 W.L.R. 98.

Employer's duty—Employee required to work in premises not in the occupation of the employer—Window cleaning—Defective handle—Liability of employer—Whether duty to warn experienced workmen.
Wilson v. Tyneside Window Cleaning Co., C.A. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900.

——— Employee required to work on premises not in the occupation of the employer—Faulty electrical conduit—Employee electrocuted—Duty of employer to his workman. **Cilia v. H. M. James & Sons. Spark (third party)**, Byrne J. [1954] 1 W.L.R. 721

Ship—Injury to stevedore's labourer—Third party's negligence—Fall of "shore" fixed by Australian shipwrights in accordance with Australian regulations—Stevedores' duty to inspect ship—Liability of shipowner or employing stevedores.
Thompson v. Cremin (Note), H.L.(Sc.) [1956] 1 W.L.R. 103.

Dangerous substance

Standard of care—Dermatitis contracted—Contact with oil—Precautionary system—Onus of proof. **Brown v. Rolls Royce Ltd.**, H.L.(Sc.) [1960] 1 W.L.R. 210.

Synthetic glue liable to cause dermatitis—Prophylactic not kept in shop although obtainable by workmen at store in factory—Duty of foreman.
Clifford v. Charles H. Challen & Son Ltd., C.A. [1951] 1 K.B. 495; [1951] 1 T.L.R. 234; [1951] 1 All E.R. 72.

Synthetic glue, use of—Failure by worker to apply protective measures—Absence of evidence as to foreman's supervision in observance of protective measures—Employer's duty limited to taking reasonable care to provide safe system of work.
Woods v. Durable Suites Ltd., C.A. [1953] 1 W.L.R. 857.

Washing facilities—Prophylactic not kept in shop although obtainable by workmen at store in factory—Duty of foreman—Whether safe system of work—Provision of washing facilities—Welfare provision not safety provision—Factories Act, 1937, s. 42.
Clifford v. Charles H. Challen & Son Ltd., C.A. [1951] 1 K.B. 495; [1951] 1 T.L.R. 234; [1951] 1 All E.R. 72.

Disabled employee

Servant with only one eye—Garage hand—Good eye injured by metal chip—No goggles worn—Increased risk of serious injury—Master's obligation.
Paris v. Stepney Borough Council, H.L.(E.) [1951] A.C. 367; [1951] 1 T.L.R. 25; [1951] 1 All E.R. 42.

Dust, injurious

Iron foundry—Silica—Exhaust appliances—Respirators.
Quinn v. Cameron and Roberton Ltd., H.L.(Sc.) [1958] A.C. 9; [1957] 2 W.L.R. 692.

Steel foundry—Risk of silicosis—Duty to take steps to induce employee to wear mask provided. **Crookall v. Vickers-Armstrong Ld.**, Glynn-Jones J. [1955] 1 W.L.R. 659.

Employment of servant of another. See MASTER AND SERVANT.

NEGLIGENCE—*continued.*

Safe system of work—*continued.*

Exceptional danger

Factory—Flooding of factory floor by exceptional rainfall—Gangway slippery from mixture of water and oil—Workman allowed to work there—No negligence.
Latimer v. A.E.C. Ltd., Pilcher J. [1952] W.N. 100; [1952] 1 T.L.R. 507; [1952] 1 All E.R. 443.
C.A. [1952] 2 Q.B. 701; [1952] 1 T.L.R. 1349; [1952] 1 All E.R. 1302.
H.L.(E.) [1953] A.C. 643; [1953] 3 W.L.R. 259.

Eyes, protection of. (*See also Disabled employee.*)

Dry-grinding—Employers' statutory duty to provide goggles—Goggles not provided—Probability that goggles would not have been used except under compulsion—Common law duty to provide goggles and ensure their use.
Nolan v. Dental Manufacturing Co. Ltd., Paull J. [1958] 1 W.L.R. 936.

Fencing

Dry dock—Working ledge of dock unfenced—Workman returning to work—Fall onto ledge and into dock.
Bath v. British Transport Commission, C.A. [1954] 1 W.L.R. 1013.

Electric fan—Fan used in factory under test in maintenance building—Fan placed on floor and set in motion—Fan unfenced—Workman's injury by blades.
Thurogood v. Van Den Berghs & Jergens Ltd., C.A. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; [1951] 1 All E.R. 682.

Fireman

Fireman injured while travelling to emergency in vehicle with unlashed jack—Necessary risk—Object of saving life or limb justifying taking of abnormal risks—Standard of duty of employers. **Watt v. Hertfordshire County Council,** Barry J. [1954] 1 W.L.R. 208;
C.A. [1954] 1 W.L.R. 835.

General practice. (*See also* **Burden of proof.**)

"Folly" to neglect to provide precaution—Meaning of "folly."
Cavanagh v. Ulster Weaving Co. Ltd., H.L.(N.I.) [1960] A.C. 145; [1959] 3 W.L.R. 262.

Injurious dust—Dermatitis from West African hardwood dust—Danger from West African hardwood recent discovery—No knowledge by employers of danger—Duty of employers to keep abreast of modern discoveries—Employers in receipt of trade bulletins and material the equal of that commonly received by employers in the trade—Employers' lack of knowledge of danger not negligence.
Graham v. Co-operative Wholesale Society Ltd., Devlin J. [1957] 1 W.L.R. 511.

Ship—Open hold—Guardrails not erected—Injury to seaman.
Morris v. West Hartlepool Steam Navigation Co. Ltd., H.L.(E.) [1956] A.C. 552; [1956] 1 W.L.R. 177.

General precautions

Dangerous animal—Animal kept in loose box untethered—Farm labourer injured on entering loose box. **Rands v. McNeil,** C.A. [1955] 1 Q.B. 253; [1954] 3 W.L.R. 905.

Experienced workman—Knowledge of risk—Employer's duty of reasonable care.
Jenner v. Allen West & Co. Ltd., C.A. [1959] 1 W.L.R. 554.

Metal moulding—Protective clothing available for workman—No orders or advice to wear it—Workman injured—Employers' liability.
Haynes v. Qualcast (Wolverhampton) Ltd., C.A. [1958] 1 W.L.R. 225.

Metal welding—Protective clothing available for workmen—No orders or advice to wear it—Workman injured—Employers' liability.
Qualcast (Wolverhampton) Ltd. v. Haynes, H.L.(E.) [1959] A.C. 743; [1959] 2 W.L.R. 510.

Oiling machines in motion—Employer's duty to give proper instructions and to see that they are carried out.
Lewis v. High Duty Alloys Ltd., Ashworth J. [1957] 1 W.L.R. 632.

Scaffold—Boards on roof—Warning notice—Fragile roof—Risk of falling on adjoining roof. **Harris v. Brights Asphalt Contractors Ld.,** Slade J. [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341.

Window-cleaning—Defective window—Injury to window-cleaner—Lack of precautions—Employers' liability. **General Cleaning Contractors Ld. v. Christmas,** C.A. [1952] 1 K.B. 141; [1951] 2 T.L.R. 1218; [1952] 1 All E.R. 39.
H.L.(E.) [1953] A.C. 180; [1953] 2 W.L.R. 6.

——————— Outside of sash window cleaned by window-cleaner standing on sill—Method recognized by trade—Fall of window-cleaner—Practicability of instituting system reducing hazards—"Transom method"—Employers' liability.
Drummond v. British Building Cleaners Ld., Pilcher J. [1954] 1 W.L.R. 501.
C.A. [1954] 1 W.L.R. 1434.

Onus of proof. See **Burden of proof.**

Plant and equipment

Electric cable—Accident due to breaking of cable—Defective joint—Electricity Regulations, 1908, reg. 6. **Gatehouse v. John Summers & Sons Ld.,** C.A. [1953] 1 W.L.R. 742

NEGLIGENCE—*continued.*

Safe system of work (*Plant and equipment*)—*continued.*

Foreseeable risk—Employee struck in eye by particle of wire ejected from machine—Dangerous machinery not securely fenced in compliance with Factories Act, 1937—Common law duty of employer to take reasonable care to protect employee against foreseeable risk. **Kilgollan v. William Cooke & Co. Ltd.**, C.A. [1956] 1 W.L.R. 527.

Latent defect—Injury to workman's eye caused by tool with latent defect—Tool supplied by reputable supplier—Tool made by reputable makers—Tool negligently made—Employers' liability.
Davie v. New Merton Board Mills Ltd., Ashworth J. [1957] 2 Q.B. 368; [1957] 2 W.L.R. 747.
C.A. [1958] 1 Q.B. 210; [1958] 2 W.L.R. 21.
H.L.(E.) [1959] 2 W.L.R. 331.

—— —— Tool supplied direct by reputable makers—Whether employers under a duty to inspect such tools—Liability of makers—Burden of proof.
Mason v. Williams & Williams Ld. [1955] 1 W.L.R. 549.

—— —— Principle governing employer's liability.
Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd., McNair J. [1959] 1 Q.B. 74; [1958] 3 W.L.R. 482.
C.A. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 86.

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Dock—Two employers' personnel unloading—Liability for absence of signaller—Docks Regulations, 1934 (S.R. & O. 1934, No. 279), regs. 3, 12, 43.
Johnson v. A. H. Beaumont Ld., McNair J. [1953] 2 Q.B. 184; [1953] 2 W.L.R. 1153.

Railway—Inspection of permanent way—Re-layer struck by engine—Duty of ganger.
Judson v. British Transport Commission, C.A. [1954] 1 W.L.R. 585.

Window cleaning. See General precautions.

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Delegated duty

Injury caused by fellow workman—Employer's liability—Test of standard of care distinguished from test for contributory negligence—Employer's duty of reasonable care not diminished by delegation.
Staveley Iron and Chemical Co. Ltd. v. Jones, C.A. [1955] 1 Q.B. 474; [1955] 2 W.L.R. 69.
H.L.(E.) [1956] A.C. 627; [1956] 2 W.L.R. 479

Do it yourself repairs

Injury to invitee from insecure door handle—Handle fixed by occupier—Degree of care and skill required of householder doing home repairs.
Wells v. Cooper, C.A. [1958] 2 Q.B. 265; [1958] 3 W.L.R. 128.

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Alternative claim in trespass and negligence—Whether new cause of action—R.S.C., Ord. 2, r. 3; Ord. 3, rr. 1, 2, 3; Ord. 20, r. 4.
Graff Bros. Estates Ld. v. Rimrose Brook Joint Sewerage Board, C.A. [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419.

NEMO DEBET BIS VEXARE

Acquittal

Charge of attempt dismissed

Whether accused triable for full offence.
Rogers v. Arnott, Divl.Ct. [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73.

Certiorari

Two convictions on same facts

Applicant put in peril twice—Whether certiorari will lie.
Reg. v. Burnham, Bucks Justices. *Ex parte* **Ansorge**, Divl.Ct. [1959] 1 W.L.R. 1041.

NEMO DEBET BIS VEXARE—*continued.*

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Autrefois acquit

Indictment—Motor manslaughter—Jury acquit of manslaughter, disagree as to dangerous driving—Issue of lesser charge transferred to quarter sessions—Jurisdiction of quarter sessions—Road Traffic Act, 1934, s. 34. *In re* **Shipton,** Divl.Ct. [1957] 1 W.L.R. 259.

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Finding of breach by visiting committee—Privileges forfeited—Subsequent trial—Escape. **Reg. v. Hogan,** C.C.A. [1960] 2 Q.B. 513; [1960] 3 W.L.R. 426.

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Potentiality for building development—Principles applicable—Maori land—(New Zealand) Finance Act (No. 3), 1944, s. 29 (1) (*b*).
Maori Trustee v. Ministry of Works, J.C. [1959] A.C. 1; [1958] 3 W.L.R. 536.

Currency

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Government stock—New Zealand—Inscribed stock—Interest and principal payable at Melbourne "free of exchange"—No option to change place of payment—Obligation discharged by payment of face value in Australian pounds.
National Mutual Life Association of Australasia Ltd. v. Attorney-General for New Zealand, J.C. [1956] A.C. 369; [1956] 2 W.L.R. 532.

Issue of stock. **National Bank of Australasia Ltd. v. Scottish Union and National Insurance Co. Ltd.,** J.C. [1952] A.C. 493; [1952] 2 T.L.R. 254.

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Urban property

Hotel—Claim to possession—Intention to demolish and build garage—"Premises" required for landlord's "own occupation"—Meaning of "premises"—Tenancy Act, No. 76 of 1948, of New Zealand (as amended by the Tenancy Amendment Act, 1950, and the Statutes Amendment Act, 1950), s. 24 (1) (*h*) (*m*).
McKenna v. Porter Motors Ltd., J.C. [1956] A.C. 688; [1956] 3 W.L.R. 658.

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Republication—Innuendo—Onus of proof—Alleged misdirection.
"Truth" (N.Z.) Ltd. v. Holloway, J.C. [1960] 1 W.L.R. 997.

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Licensee

Duty of occupier—Fatal dive into shallow water—No concealed danger—Local authority occupier of diving board—Deceased a licensee—No general duty of care.
Perkowski v. Wellington Corporation, J.C. [1959] A.C. 53; [1958] 3 W.L.R. 564.

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Meaning of "price"

Motor-car—Covenant restricting resale—Covenant not part of consideration—Covenant legal—Breach—[New Zealand] Control of Prices Act, 1947, No. 51, s. 2 (1).
Mouat v. Betts Motors Ltd., J.C. [1959] A.C. 71; [1958] 3 W.L.R. 598.

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Allowance for debts—Liability of estate for future payments of an annuity—Debt—Capable of estimation by actuarial calculation—Allowable deduction—Death Duties Act, No. 21 of 1921 (New Zealand), s. 9 (1), (2) (*d*).
Commissioner of Stamp Duties v. New Zealand Insurance Co. Ltd., J.C. [1956] A.C. 284; [1956] 2 W.L.R. 571.

Transfer of real property—In consideration of annuity for life—"Disposition of property"—"Accompanied by . . . a contract for . . . benefit to the deceased"—Property liable to duty on death—Death Duties Act, No. 21 of 1921 (New Zealand), s. 5 (1) (*j*) (ii). **Ward v. Commissioner of Inland Revenue,** J.C. [1956] A.C. 391; [1956] 2 W.L.R. 578.

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Company

Accident to governing director while employed by company—Whether company liable for compensation—"Worker"—Workers' Compensation Act, 1922 (No. 39), ss. 2, 3 (1).
Lee v. Lee's Air Farming Ltd., J.C. [1961] A.C. 12; [1960] 3 W.L.R. 758.

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"Take any property without compensation"—Meaning of "take"—Meaning of "property"—Town and country planning restrictions on development—Injurious affection—Claim for compensation—Statutory provision excluding compensation—Government of Ireland Act, 1920, s. 5 (1)—Ministries of Northern Ireland Act (Northern Ireland), 1921, s. 3 (1)—Planning and Housing Act (Northern Ireland), 1931, s. 10 (2)—Planning (Interim Development) Act (Northern Ireland), 1944 (8 & 9 Geo. 6, c. 3), s. 6 (4). **Belfast Corpn. v. O. D. Cars Ltd.**, H.L.(N.I.) [1960] A.C. 490; [1960] 2 W.L.R. 148.

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Mungoni v. Attorney-General of Northern Rhodesia, J.C. [1960] A.C. 336; [1960] 2 W.L.R. 389.

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NUISANCE. (*See also* Public Health.)
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Defect in concrete on private forecourt adjoining highway—Pedestrians leaving pavement to cross forecourt—Injury through defect—Owners not liable.
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Cellar-head in pavement—Projection after resetting by local authority—Obligation of frontager to "be kept in good condition and repair"—Whether duty to abate nuisance created by local authority—Public Health Acts Amendment Act, 1890, s. 35 (1).
Penney v. Berry, C.A. [1955] 1 W.L.R. 1021.
Collapse of wall separating forecourt of house from public highway—Plaintiff injured—House let on weekly tenancy—No right to enter renewed to landlord—Implied right—Wall's defective condition ascertainable by reasonable examination—Landlord's liability. **Mint v. Good**, C.A. [1951] 1 K.B. 517.
Cricket ball hit into highway—Pedestrian on highway injured—Liability.
Bolton v. Stone, H.L.(E.) [1951] A.C. 850; [1951] 1 T.L.R. 977; [1951] 1 All E.R. 1078.
Grating in pavement—Liability of occupier of adjoining premises for repair where grating dedicated as part of highway.
Macfarlane v. Gwalter, C.A. [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268.
Hosepipe laid across highway by frontager—Whether unreasonable use of highway. Contributory negligence—Standard applicable—Analogy with negligence—Law Reform (Contributory Negligence) Act, 1945, ss. 1, 4.
Trevett v. Lee, C.A. [1955] 1 W.L.R. 113.
Motor-vehicle stationary and unlit on road at night—Illuminated by light from street lamp—Whether dangerous obstruction constituting nuisance.
Parish v. Judd, Edmund Davies J. [1960] 1 W.L.R. 867.
Parking—Driver a trespasser on adjoining land—Whether legality of parking tainted.
Randall v. Tarrant, C.A. [1955] 1 W.L.R. 255.
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Ship—Discharge of oil into river—Damage to foreshore.
Esso Petroleum Co. Ltd. v. Southport Corpn., Devlin J. [1953] 3 W.L.R. 773; C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200. H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.
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Injunction. *See* Injunction.
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Using noisy instrument in street "so as to cause annoyance" to inhabitants—Whether musical instrument capable of being "noisy"—Proof of annoyance.
Raymond v. Cook, Divl.Ct. [1958] 1 W.L.R. 1098.

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Potential nuisance

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Entrance to culvert left unprotected. **Pemberton v. Bright,** C.A. [1960] 1 W.L.R. 436.

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Whether sufficient number—Question of fact or law—Quarry—Projection of stones by blasting—Dust and vibration—Injunction—"Public nuisance"—Distinction from private nuisance—Injunction.
Attorney-General v. P. Y. A. Quarries Ltd., C.A. [1957] 2 Q.B. 169; [1957] 2 W.L.R. 770.

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Injury to fishery—Pollution by discharge of sewage and heated effluents—Action by riparian owners—Statutory defences—Nuisance alleged to result from non-feasance not misfeasance of local authority—Whether injunction should be granted against local authority—Form of injunction—Derby Corporation Act, 1901, ss. 109, 113—Derbyshire and Nottinghamshire Electric Power Act, 1929, s. 37—Electricity Act, 1947, s. 57.
Pride of Derby and Derbyshire Angling Association Ld. v. British Celanese Ld.,
Harman J. [1952] W.N. 227; [1952] 1 T.L.R. 1013; [1952] 1 All E.R. 1326.
C.A. [1953] Ch. 149; 2 W.L.R. 58.

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Things naturally on land

Trees

Fall of elm tree onto highway—Injury to user of highway—Duty of occupier of land.
Caminer v. Northern & London Investment Trust Ltd., H.L.(E.) [1951] A.C. 88.

Liability—Damage by roots encroaching from adjoining land—Whether adjoining landowner liable for damage.
Davey v. Harrow Corporation, C.A. [1958] 1 Q.B. 60; [1957] 2 W.L.R. 941.

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Picketing

Threats of violence and intimidation—Damages and injunction against participants.
Bird v. O'Neal, J.C. [1960] A.C. 907; [1960] 3 W.L.R. 584.

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Action by adjoining owners. **Thompson-Schwab v. Costaki,** C.A. [1956] 1 W.L.R. 335.

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Interference by highway authority

Extension of ancient culvert with new entrance on adjoining occupiers' land—Entrance left unprotected by grid—Neighbouring land flooded by blocking of unprotected entrance 30 years after completion of work—Liability of highway authority—Highways Act, 1835, s. 67. **Pemberton v. Bright,** C.A. [1960] 1 W.L.R. 436.

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OCCUPATION OF LAND. *See* OCCUPIERS' LIABILITY; POSSESSION.

OCCUPIERS' LIABILITY. (*See also* FACTORY; LICENCE OR TENANCY; NEGLIGENCE (**Contractor**); SPORT.)

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Allurement

Licence to go over land—Unguarded tramway—Child injured while stealing ride on colliery tram—Liability of colliery owners.
Gough v. National Coal Board, C.A. [1954] 1 Q.B. 191; [1953] 3 W.L.R. 900.

Road works—Excavation—Child injured when playing inside the barrier—Whether excavation constituted an allurement—Liability of contractors—Duty of care—Extent.
Perry v. Thomas Wrigley Ld., Oliver J. [1955] 1 W.L.R. 1164.

Trespasser

Road works—Excavation—Child injured when playing inside the barrier.
Perry v. Thomas Wrigley Ltd., Oliver J. [1955] 1 W.L.R. 1164

OCCUPIERS' LIABILITY—*continued.*

Child—*continued.*

Trespasser or licensee

Child injured on fenced railway line.
Edwards v. Railway Executive [1952] A.C. 737; [1952] 2 T.L.R. 237; [1952] 2 All E.R. 430.

Unaccompanied by adult

Little child—Licensed to go over land—Open trench—Not fenced or guarded—Child injured while walking over land—Not accompanied by adult—Occupier's duty—Duty of parent. **Phipps v. Rochester Corporation,** Devlin J. [1955] 1 Q.B. 450; [1955] 2 W.L.R. 23.

Public recreation ground—Child injured by fall from chute—Concealed danger—Whether licensee or trespasser—Liability of local authority.
Bates v. Stone Parish Council, C.A. [1954] 1 W.L.R. 1249.

——— ——— No concealed danger—Liability of authority. **Dyer v. Ilfracombe Urban District Council,** C.A. [1956] 1 W.L.R. 218.

Common duty of care. (*See also* **Invitee or licensee.**)

Current operations on land

Duty of care to licensee—Negligence—Licensee injured by train in railway tunnel owned by occupiers of land—Train driver negligent—Right of action not barred by licensee's knowledge of danger—Volenti non fit injuria not applicable.
Slater v. Clay Cross Co. Ltd., C.A. [1956] 2 Q.B. 264; [1956] 3 W.L.R. 232.

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Public house—Yard and garage adjoining—Motor-bicycle left in covered yard without charge—Removal by unauthorised person—Liability of publican.
Tinsley v. Dudley, C.A. [1951] 2 K.B. 18; [1951] 1 T.L.R. 315; [1951] 1 All E.R. 252.

Independent contractor, negligence of

Office cleaner—Defective electrical installation—Installed by expert contractors—Issue of liability of occupier of offices—Invitee.
Green v. Fibreglass Ltd., Salmon J. [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71.

Ship—Injury to stevedore's labourer—Third party's negligence—Fall of "shore" fixed by Australian shipwrights in accordance with Australian regulations—Stevedores' duty to inspect ship—Liability of shipowner or employing stevedores.
Thompson v. Cremin (Note), H.L.(Sc.) [1956] 1 W.L.R. 103.

Inn

Paying guest injured by fall on drive—Standard of care—Implied warranty to take reasonable care that premises reasonably safe.
Bell v. Travco Hotels Ld., C.A. [1953] 1 Q.B. 473; [1953] 2 W.L.R. 556.

Licensee

Private forecourt adjoining highway—Defect in concrete on forecourt—Pedestrians leaving highway to cross forecourt—Injury through defect—Whether "concealed danger."
Mumford v. Naylor, Pritchard J. [1951] W.N. 241; [1951] 1 T.L.R. 1068.
C.A. [1951] W.N. 579.

Transient danger. (*See also* FACTORY.)

Railway station—Patch of oil—Injury to pedestrian—Standard of duty—Steps taken to render premises reasonably safe.
Blackman v. Railway Executive, Hilbery J. [1953] 1 W.L.R. 2.
C.A. [1954] 1 W.L.R. 220.

Contract with person injured. (*See also* RAILWAY (**Carriage of passengers**).)

Indemnity clause

Indemnity by licensee to licensor for personal injury, loss or damage "which, but for the "permission hereby granted, would not have arisen."
Warrellow v. Chandler and Braddick, Lynskey J. [1956] 1 W.L.R. 1272.

Warning notices

Liability of licensor for injuries to licensee—Dock estate—Part let to tenants and part retained in occupation of owners—Access to tenant's premises obtainable only over estate—Right of way giving access—Crossed by railway lines—Short cut—Used by tenant's employees with knowledge of owners—Employee injured through negligence of owners—Liability of owners—Effect of notices disclaiming liability for injury caused by owners' negligence.
Ashdown v. Samuel Williams & Sons Ltd., Havers J. [1956] 2 Q.B. 580; [1956] 3 W.L.R. 128.
C.A. [1957] 1 Q.B. 409; [1956] 3 W.L.R. 1104.

Hidden trap. (*See also* **Knowledge.**)

Trap known to licensor

Danger not appreciated by licensor—Test whether reasonable man, with licensor's knowledge, would have appreciated danger—Darkness—Effect—Fall on steps in dark—Step defective—Requisitioned premises—Liability of council.
Hawkins v. Coulsdon and Purley Urban District Council, Pearson J. [1953] 1 W.L.R. 882:
C.A. [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122.

OCCUPIERS' LIABILITY—*continued.*

Hidden trap (*Trap known to licensor*)—*continued.*

Hospital—Visitor—Patient dangerously ill—Wife permitted to visit at any time—Fall on slippery floor in process of being polished—Unusual danger—Concealed danger—Liability of hospital.
Slade v. Battersea and Putney Hospital Management Committee, Finnemore J. [1955] 1 W.L.R. 207.

Not free to act on knowledge.
Greene v. Chelsea Borough Council, C.A. [1954] 2 Q.B. 127; [1954] 3 W.L.R. 12.

Husband and wife. *See* HUSBAND AND WIFE.

Invitee or employee. *See* MASTER AND SERVANT.

Invitee or licensee

Canvasser

Duty of occupier to licensee—Averment of concealed or unusual danger—Darkness—Light switched off by occupier. **Dunster v. Abbott,** C.A. [1954] 1 W.L.R. 58.

Duty of occupier at common law

Distinction. **Perkowski v. Wellington Corpn.,** J.C. [1959] A.C. 53; [1958] 3 W.L.R. 564.

Fatal dive into shallow water—No concealed danger—Local authority occupier of diving board—Deceased a licensee—No general duty of care.
Perkowski v. Wellington Corpn., J.C. [1959] A.C. 53. [1958] 3 W.L.R. 564.

Injury to invitee from insecure door handle—Handle fixed by occupier—Degree of care and skill required of householder doing home repairs.
Wells v. Cooper, C.A. [1958] 2 Q.B. 265; [1958] 3 W.L.R. 128.

Liability solely in negligence.
Green v. Fibreglass Ltd., Salmon J. [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71.

No valid distinction.
Slater v. Clay Cross Co. Ltd., C.A. [1956] 2 Q.B. 264; [1956] 3 W.L.R. 232.

Hospital

Visitor—Patient dangerously ill—Wife permitted to visit at any time—Fall on slippery floor in process of being polished—Unusual danger—Concealed danger—Liability of hospital. **Slade v. Battersea and Putney Hospital Management Committee,** Finnemore J. [1955] 1 W.L.R. 207.

Knowledge of invitee or licensee of danger

Defective staging

Ship welder employed by sub-contractor—Injury due to inadequate staging constituting "unusual danger"—Welder's knowledge of danger—Complaints to occupiers—Occupier's liability to welder.
London Graving Dock Co. Ltd. v. Horton, H.L.(E.) [1951] A.C. 737; [1951] 1 T.L.R. 949; [1951] 2 All E.R. 1.

Defective tackle

Injury to workman. **Gledhill v. Liverpool Abattoir Utility Co. Ltd.,** C.A. [1957] 1 W.L.R. 1028.

Full appreciation

Workman used to premises. **Smith v. Austen Lifts Ltd.,** H.L.(E.) [1959] 1 W.L.R. 100.

Requisitioned premises

Occupation by family by permission of requisitioning authority—Agreement made with plaintiff's husband—Injury to plaintiff owing to negligence of authority—Duty owed—Concealed danger—Knowledge by plaintiff of danger—Failure of authority to remedy it—Plaintiff not free to act on knowledge.
Greene v. Chelsea Borough Council, C.A. [1954] 2 Q.B. 127; [1954] 3 W.L.R. 12.

Warning

Lapse of time between invitee's knowledge and occasion when danger re-encountered—Whether fresh warning necessary by invitor.
Wingrove v. Prestige & Co. Ld., Hilbery J. [1953] 1 W.L.R. 449. (C.A. [1954] 1 W.L.R. 524.)

Knowledge of invitor of danger. (*See also* **Hidden trap.**)

Dangerous article

Defective ladder selected by invitee—Liability of invitor.
Johnson v. Croggan & Co. Ld., Pilcher J. [1954] 1 W.L.R. 195.

Window cleaner

Accustomed to steady himself by fixed plywood pane when on ladder—Bolts securing plywood withdrawn by householder—No knowledge of window cleaner's habit—Injury to window cleaner. **Bates v. Parker,** C.A. [1953] 2 Q.B. 231; [1953] 2 W.L.R. 642.

Accustomed to steady himself by holding onto top sash—Bottom sash defective—Fall knocking hand away from support—Whether defective sash usual danger.
General Cleaning Contractors Ltd. v. Christmas, C.A. [1952] 1 K.B. 141; [1951] 2 T.L.R. 1218; [1952] 1 All E.R. 39. H.L.(E.) [1953] A.C. 180; [1953] 2 W.L.R. 6.

Licence or tenancy. *See* LICENCE OR TENANCY.

OCCUPIERS' LIABILITY—*continued.*

Licensee or invitee. *See* **Invitee.**

Master and servant. *See* MASTER AND SERVANT.

Negligence, branch of law of. *See* **Common duty of care.**

Sport. *See* SPORT.

Standard of care. *See* **Common duty.**

Trespasser, to. (*See also* **Child**.)
Canvasser
Uninvited visit to premises—Concealed danger—Duty of occupier.
Dunster v. Abbott, C.A. [1954] 1 W.L.R. 58.

Trespasser or licensee
Railway
Licensee involuntarily a few inches outside area of licence—Licensor's duty of care—Whether licensee constituted a trespasser.
Braithwaite v. South Durham Steel Co. Ltd., Edmund Davies J. [1958] 1 W.L.R. 986.

Window cleaner. *See* **Knowledge of invitor.**

OFFICIAL RECEIVER
See COMPANY.

OFFICIAL REFEREE. (*See also* PRACTICE (**Trial**).)
Jurisdiction
Court expert
Report—Irrelevant matter expunged—R.S.C., Ord. 37A, r. 1.
Audley Land Co. Ld. v. Kendall, W. K. Carter, Q.C. [1955] 1 W.L.R. 639.

OFFICIAL SECRETS. *See* CRIME.

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Guardian ad litem. *See* HUSBAND AND WIFE (**Divorce**).

OMNIA PRAESUMUNTUR RITE ESSE ACTA. *See* PRESUMPTION (**Legality**).

ONUS OF PROOF. *See* BURDEN OF PROOF.

OPEN COURT
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Bankruptcy
Application for private examination of witness—Interests of justice—Bankruptcy Act, 1914, s. 25.
In re **Green (A Bankrupt).** *Ex parte* **The Trustee,** C.A. [1958] 1 W.L.R. 405.
Principles applicable
Appeal from judge in chambers.
In re **Agricultural Industries Ltd.,** C.A. [1952] W.N. 209; [1952] 1 All E.R. 1188.

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Demonstration in absence of accused
Abridged repetition in his presence—No prejudice—Curable irregularity—No miscarriage of justice—Criminal Procedure Code (Laws of Kenya, 1948, c. 27), ss. 193, 381.
Poole v. The Queen, J.C. [1961] A.C. 223; [1960] 3 W.L.R. 770.

Infant
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Appeal from justices to Chancery Division—Question of great public importance
In re **S. (An Infant),** Roxburgh J. [1958] 1 W.L.R. 391.

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Justices. *See* JUSTICES (**Clerk**).

Master
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Hesz v. Sotheby & Co., Master Diamond [1960] 1 W.L.R. 285.

Name, publication of
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Name of party—Court of Appeal.
Reg. v. Registrar of Building Societies. *Ex parte* **A Building Society,** Divl.Ct. & C.A. [1960] 1 W.L.R. 669.

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Barrister
Matrimonial case—Right to be sparingly exercised.
Schlesinger v. Schlesinger, C.A. [1959] 1 W.L.R. 92.

OPEN COURT—*continued.*

Private audience with judge—*continued.*

Parties

Seen separately—Undesirability. **Stevens v. Stevens,** C.A. [1954] 1 W.L.R. 900.

Public access to documents. *See* PRACTICE (**Central Office**).

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Counsel's right to make further submission.
Ramsey v. Ramsey, Davies J. [1956] 1 W.L.R. 542.

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Whether acting judicially

Libel—Absolute privilege—Disciplinary Committee—Solicitors Act, 1957.
Addis v. Crocker, C.A. [1960] 1 Q.B. 87; [1960] 3 W.L.R. 339.

Trusts

Variation

Whether hearing should be in open court.
In re **Chapman's Settlement Trusts No. 2,** Vaisey J. [1959] 1 W.L.R. 372.

View by judge or jury. *See* CRIME; EVIDENCE.

OPTION

See ELECTION; LANDLORD AND TENANT; WILL (**Specific bequest.**)

PARLIAMENT. (*See also* STATUTE.)

Constituencies

Boundary Commission

Report—Validity—Discretion of commission—House of Commons (Redistribution of Seats) Act, 1949, ss. 2, 3, Sch. II, rr. 1, 4, 5, 6.
Harper v. Home Secretary, C.A. [1955] Ch. 238; [1955] 2 W.L.R. 316.

Election

Expenses

General political propaganda—Representation of the People Act, 1949, s. 63 (1).
Reg. v. Tronoh Mines Ltd., McNair J. [1952] 1 T.L.R. 461; [1952] 1 All E.R. 697.

Petition

Ceylon—Lack of jurisdiction of election judge—No right of appeal to Judicial Committee.
Senanayake v. Navaratne, J.C. [1954] A.C. 640; [1954] 3 W.L.R. 336.

Validity of election—Petition alleging breaches of Parliamentary Elections Rules—Whether election conducted substantially in accordance with law—Act or omissions not affecting result—Onus of proof—Representation of the People Act, 1949, s. 16 (3).
In re **Kensington North Parliamentary Election,** Election Ct. [1960] 1 W.L.R. 762.

Registration

Appeal to county court—Selected appeal—Objection to registration of 96 names—Appeal in respect of six names—No notice of appeal served on remaining 90—Whether jurisdiction to direct removal of the 90 names from the register—Representation of the People Act, 1949, s. 45 (1)—County Court Rules, 1936 (as amended), Ord. 43, rr. 3 (2), 8.
Reg. v. Hurst, *ex parte* **Smith,** Divl.Ct. [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961.

House of Commons

Clergy disqualification

Priest or deacon ordained by episcopal ordination—Whether disabled from sitting and voting—House of Commons (Clergy Disqualification) Act, 1801, ss. 1, 2, 4.
In re **MacManaway,** J.C. [1951] A.C. 161.

Pending legislation

Bill before Parliament affecting issues

Court not concerned with pending legislation—Stay refused.
Willow Wren Canal Carrying Co. Ltd. v. British Transport Commission, Upjohn J. [1956] 1 W.L.R. 213.

Privilege

Communication to Member of Parliament

Communication in breach of court injunction—Unconnected with parliamentary proceedings—Jurisdiction of court to commit for contempt.
Rivlin v. Bilainkin, McNair J. [1953] 1 Q.B. 485; [1953] 2 W.L.R. 281.

Issue of writ

Writ against member in respect of proceeding in Parliament—Whether treatment by Commons of writ as breach of privilege contrary to Parliamentary Privilege Act, 1770—Bill of Rights, 1688, art. 9.
In re **Parliamentary Privilege Act, 1770,** J.C. [1958] A.C. 331; [1958] 2 W.L.R. 912.

Right to control own proceedings

Application for mandatory injunction against Minister—To withdraw draft scheme from Parliament—Minister acting as representative of the Crown—Injunction not maintainable. **Merricks v. Heathcoat-Amory,** Upjohn J. [1955] Ch. 567; [1955] 3 W.L.R. 56.

Report of select committee of House of Commons—Attack on validity of report—Whether comment on report permissible—Bill of Rights, 1688, s. 1, art. 9.
Dingle v. Associated Newspapers Ltd., Divl.Ct. [1960] 2 Q.B. 405; [1960] 2 W.L.R. 430.

PARLIAMENT—*continued.*

Sovereignty

Statute of Westminster

Effect—Statute of Westminster, 1931, s. 2.
Harris v. Döuges, S.A. Supreme Ct. [1952] 1 T.L.R. 1245.

PARTIES

See CONTRACT; PRACTICE.

PARTNERSHIP

Deed

Construction

"Income tax"—Sale of share in partnership—Covenant to pay income tax relating to the partnership—Whether "income tax" includes surtax.
Conway v. Wingate, C.A. [1952] W.N. 171; [1952] 1 All E.R. 782.

Indemnity clause—"All debts and liabilities of the partnership"—Whether income tax on partnership trading profits included—Assessment on firm—Joint liability of partners—Income Tax, 1952, ss. 144, 223. **Stevens v. Britten,** C.A. [1954] 1 W.L.R. 1340.

Dissolution

Accounts

Business of photographer—No agreement as to partnership assets—What must be deemed partnership assets on dissolution—Consumable stock-in-trade.
Miles v. Clarke, Harman J. [1953] 1 W.L.R. 537

Procedure—Claim by former partner to recover moneys lent to partners or partnership—No cause of action at common law—Moneys recoverable only by taking of accounts—Partnership Act, 1890, s. 44. **Green v. Hertzog,** C.A. [1954] 1 W.L.R. 1309.

Continuance of business afterwards

Proprietary rights of former partners.
Burdett-Coutts v. Inland Revenue Comrs., Buckley J. [1960] 1 W.L.R. 1027.

Medical practitioner. *See* RESTRAINT OF TRADE.

Partnership property

Conversion

One partner becoming enemy alien—Whether other partner trustee of partnership assets—Exchange of assets—Misappropriation of trust funds—Liability for interest—Rate of interest—Partnership action—Appropriate order.
Gordon v. Gonda, C.A. [1955] 1 W.L.R. 885.

Partner's conversion of partnership property—Cheques payable to partnership indorsed by one partner and paid into third person's banking account—Right of aggrieved partner to sue bank alone without joining guilty partner—R.S.C., Ord. 16. r. 11.
Baker v. Barclays Bank Ld., Devlin J. [1955] 1 W.L.R. 822.

Restraint of trade. *See* RESTRAINT OF TRADE.

PASSING OFF

Contempt. *See* CONTEMPT OF COURT.

Goodwill, damage to

Sale of article as new

Motor-car—False implications that seller was authorised dealer and manufacturer was liable to service vehicle—Whether manufacturer entitled to injunction.
Morris Motors Ltd. v. Lilley, Wynn-Parry J. [1959] 1 W.L.R. 1184.

———— Injunction to restrain—Terms of injunction.
Morris Motors Ltd. v. Phelan, Roxburgh J. [1960] 1 W.L.R. 352, 566.

Human voice

Unauthorised imitation

Whether action would lie.
Sim v. H. J. Heinz Co. Ltd., C.A. [1959] 1 W.L.R. 313.

Journalist

Pseudonym

Regular feature in weekly paper—Termination of employment—Ownership of pseudonym claimed by journalist and newspaper owners—No express or implied term in contract—Property of journalist.
Forbes v. Kemsley Newspapers Ltd., Wynn-Parry J. [1951] 2 T.L.R. 656.

Non-exclusive trade description

Geographical term

Use of name "champagne"—Right to exclusive use of description claimed by class of producers in Champagne district of France—Description used by producers of wine outside district—Whether unlawful trade competition—Whether action lies at suit of class.
J. Bollinger v. Costa Brava Wine Co. Ltd., Danckwerts J. [1960] Ch. 262; [1959] 3 W.L.R. 966.

Risk of confusion

Bona fide use of own name

Whether defence. **Baume & Co. v. A. H. Moore Ltd.,** Danckwerts J. [1958] Ch. 137; [1957] 3 W.L.R. 870. C.A. [1958] Ch. 907; [1958] 2 W.L.R. 797.

PASSING OFF—*continued.*

Sport

Boxing championship title

Foreign title—No confusion between plaintiff and defendant—Plaintiff no reputation in this country. **Serville v. Constance,** Harman J. [1954] 1 W.L.R. 487.

PATENT

Action for infringement. (*See also* **Infringement.**)

Amendment of claim

Action for infringement and counter-claim for revocation—One claim only held valid and infringed—Case remitted to Chancery Division from House of Lords—Direction "to determine what, if any, relief should be granted . . . in accordance with s. 32A "of the Patents and Designs Acts, 1907–1946"—Jurisdiction to entertain application under s. 22—Patents and Designs Acts, 1907–1946, ss. 22, 32A.
Raleigh Cycle Co. Ltd. v. H. Miller & Co. Ltd., H.L.(E.) [1951] A.C. 278.

Application to amend specification

Advertisement of intention to apply—Reference to pending proceedings—Patents Act, 1949, s. 30—R.S.C., Ord. 53A, r. 19 (*a*).
Practice Direction, Ch.D. [1957] 1 W.L.R. 1251.

Appeal tribunal. *See* CROWN PRACTICE (**Certiorari**).

Estoppel. *See* ESTOPPEL (**Conduct, by**).

Infringement

Licence

Limited licence to sell at list price—Sale below list price—Notice—Patents Act, 1949, s. 59 (1).
Dunlop Rubber Co. Ltd. v. Longlife Battery Depôt, Lloyd-Jacob J. [1958] 1 W.L R. 1033.

International convention

Medicine

Compulsory licence—Application—International Convention for the Protection of Industrial Property, 1934 (Cmd. No. 5833), Treaty Series No. 55 (1938), art. 5A (4)—Patents Act, 1949, ss. 41 (1), 45 (3).
Parke Davis & Co. v. Comptroller-General of Patents, Designs and Trade Marks,
Divl.Ct. [1953] 2 W.L.R. 760;
C.A. [1953] 2 Q.B. 48; 3 W.L.R. 40;
H.L.(E.) [1954] A.C. 321;
[1954] 2 W.L.R. 531.

Licence to manufacture under

Assessment of royalties

Manufacture of patented articles—Terms as to royalties—Auditors' duties—Scope of inquiry—Sale of articles claimed to be outside patent field—Provision as to granting of licence to another trader at lower royalty—Construction of licence.
Fomento (Sterling Area) Ltd. v. Selsdon Fountain Pen Co. Ltd.,
H.L.(E.) [1958] 1 W.L.R. 45.

Best endeavours to market

Undertaking by manufacturer to make best endeavours to prosecute sales and with all due diligence to place invention on market—Manufacturer's obligations.
Terrell v. Mabie Todd and Co. Ltd., Sellers J. [1952] W.N. 434;
[1952] 2 T.L.R. 574.

Notice to determine

Licence subject to compensation for exceeding quota—Agreement to suspend payments of compensation—Counterclaim seeking to enforce payments—Whether sufficient notice.
Tool Metal Manufacturing Co. Ld. v. Tungsten Electric Co. Ld.,
C.A. [1954] 1 W.L.R. 862.
H.L.(E.) [1955] 1 W.L.R. 761.

Master and servant

Benefit of invention

Apportionment—Action for royalties or remuneration—Claim by employee—Patents Act, 1949, s. 56 (2). **Sterling Engineering Co. Ld. v. Patchett,**
H.L.(E.) [1955] A.C. 534; [1955] 2 W.L.R. 424.

Invention by employee as technical adviser—New agreement entitling employee to all his subsequent inventions—Invention dealing with matter on which employee not asked to advise—Invention before date of new agreement—Application by employee for patent—Action by employer for assignment of benefit of application.
British Syphon Co. Ltd. v. Homewood, Roxburgh J. [1956] 1 W.L.R. 1190.

Motions

To whom made

R.S.C., Ord. 53A, r. 2. **Practice Direction,** Ch.D. [1960] 1 W.L.R. 1272.

Practice. *See* **Action; Motions.**

PATERNITY. *See* LEGITIMACY.

PAYMENT INTO COURT

See COSTS; LEGAL AID; PRACTICE.

PEDLAR. *See* HAWKERS.

PENSION. *See* CROWN PROCEEDINGS; LOCAL GOVERNMENT; METROPOLIS; MILITARY LAW; NATIONAL HEALTH; POLICE.

PENSIONS SCHEME

Construction

Amendment

Reservation by employers of right to discontinue, suspend or amend in the event of "unforeseen circumstances"—Whether power to amend beneficial interests of employees. **Alfred Herbert Ltd. v. Hancocks,** Cross J. [1960] 1 W.L.R. 271.

Fatal accident. *See* FATAL ACCIDENTS ACTS.

PERJURY. (*See also* CRIME; FRAUD (**Fraud to court**).)

Whether a tort

Criminal proceedings

Allegation of perjury in criminal proceedings—Whether action for damages will lie at suit of person alleging damnification by false evidence.
Hargreaves v. Bretherton, Lord Goddard C.J. [1959] 1 Q.B. 45; [1958] 3 W.L.R. 463.

PERPETUITY RULE

Charity. (*See also* CHARITY.)

Charitable trust taking effect after primary trust

Provision for renunciation of primary trust at any future date—No general charitable intent. *In re* **Spensley's Will Trusts,** C.A. [1954] Ch. 233; [1954] 2 W.L.R. 145.

Defeasance clause

Gift over to Royal College of Surgeons—Whether college charitable institution.
In re **Bland-Sutton's Will Trusts,** Danckwerts J. [1951] Ch. 70; 66 T.L.R. (Pt. 2) 519; [1950] 2 All E.R. 466.
C.A. [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494.
Sub nom. **Royal College of Surgeons of England v. National Provincial Bank Ltd.,** H.L.(E.) [1952] A.C. 631; [1952] 1 T.L.R. 978; [1952] 1 All E.R. 984.

Non-charitable object. *In re* **Bawden's Settlement,** Danckwerts J. [1954] 1 W.L.R. 33n.

Condition precedent to bequest

Peace declaration

Implied limitation to donee's lifetime.
In re **Grotrian,** Danckwerts J. [1955] Ch. 501; [1955] 2 W.L.R. 695.

Dependent or independent trust

Void gift of income

Discretionary trust during widowhood—Gift of capital "on the determination of" that trust—Whether gift of capital valid.
In re **Allan, decd.,** Danckwerts J. [1958] 1 W.L.R. 220.

Discretionary trust

No limit of time

Imperative trust to distribute trust fund among objects of fund at such time or times as trustees thought fit—Objects of fund unascertainable—Invalidity of trust—Claim for repayment of tax—Income Tax Act, 1918, s. 27 (5).
Innes v. Harrison, Wynn-Parry J. [1954] 1 W.L.R. 668.

Power of advancement

Power used for resettlement

Application of perpetuity rule.
In re **Pilkington's Will Trusts,** Danckwerts J. [1959] Ch. 699; [1959] 3 W.L.R. 116.

Power of appointment

Joint power

Whether equivalent to joint property—Joint power to be exercised with consent of third party. *In re* **Churston Settled Estates,** Roxburgh J. [1954] Ch. 334; [1954] 2 W.L.R. 386.

Special power

Power of revocation and new appointment—Power to trustees to revoke trusts and to direct property to be held on other trusts—Whether exercisable by trustees for time being—Whether power valid.
In re **Watson's Settlement Trusts,** Roxburgh J. [1959] 1 W.L.R. 732.

PERSONAL INJURY

See DAMAGES; FATAL ACCIDENTS ACTS; NEGLIGENCE.

PERSONAL PROPERTY. *See* CHATTEL.

PESTS

Prevention of damage by. *See* PUBLIC HEALTH.

PHARMACY

Poison. *See* POISON.

PHOTOGRAPHER. *See* STREET TRADING.

PLATE

Gold and silver wares

Hall-mark

Statutory standards of fineness—Statutory requirement of hall-mark—Application to wedding rings and silver cigarette case—" Carat "—Meaning—Plate Act, 1696, s. 9—Plate Duty Act, 1719, s. 3—Plate (Offences) Act, 1738, ss. 1, 5, 6, 22—Gold Plate (Standard) Act, 1798, ss. 1, 2, 4, 6—Gold and Silver Wares Act, 1854, ss. 1, 4—Wedding Rings Act, 1855, s. 1—Gold Wares (Standard of Fineness) Order, 1932.
Westwood v. Cann, Pritchard J. [1951] 1 K.B. 325; 66 T.L.R. (Pt. 2) 747; [1950] 2 All E.R. 805.
C.A. [1952] 2 Q.B. 887; [1952] 2 T.L.R. 284; [1952] 2 All E.R. 349.

PLEA

See CRIME; JUSTICES.

PLEADING

See PRACTICE.

POISON

Sale of

Exemption

Sale of medicine by employee of pharmaceutical chemist—Employee not a registered pharmacist—Employer charged with unlawful sale of medicine otherwise than under direct and personal supervision of a registered pharmacist—Whether failure to comply with " provisions " of Act—Whether " medicine " medicine containing poison—Whether charge properly laid—Pharmacy and Poisons Act, 1933, ss. 18 (1), 19 (1) (5), 24 (1) (2).
Reg. v. Staincross Justices. *Ex parte* **Teasdale,** Divl.Ct. [1961] 1 Q.B. 170; [1960] 3 W.L.R. 827.

Statutory provisions

Self-service system—Selection of articles by customer from shelves—Payment at cash desk in presence of qualified pharmacist—Legality—Pharmacy and Poisons Act, 1933, s. 18 (1) (*a*) (iii). **Pharmaceutical Society of Great Britain v. Boots Cash Chemists (Southern) Ltd.,** Lord Goddard C.J. [1952] 2 Q.B. 795; [1952] 2 T.L.R. 340; [1952] 2 All E.R. 456.
C.A. [1953] 1 Q.B. 401; [1953] 2 W.L.R. 427.

POLICE

Compulsory purchase

County council

Compulsory acquisition of land for police station—Duties of county council—Local Government Act, 1888, s. 30—Police Act, 1946, s. 15.
Wiltshire County Council v. Wiltshire Quarter Sessions Standing Joint Committee, Divl.Ct. [1951] 2 K.B. 516; [1951] 1 T.L.R. 941; [1951] 1 All E.R. 1041.

For functions of the police authority

Housing—Police Act, 1946, s. 15.
Hazeldine v. Minister of Housing and Local Government, C.A. [1959] 1 W.L.R. 1155.

Obstruction of. *See* CRIME.

Pension

Police constable

Disablement—Application for pension—Decision by medical referee—Not the result of service—Appeal—Quarter sessions—Jurisdiction—Right of appeal limited by regulations—Police Pensions Act, 1948, s. 5 (1) (3)—Police Pensions Regulations, 1949, rr. 43, 44, 45. **Ead v. Home Secretary,** Divl.Ct. [1954] 1 W.L.R. 386.

War service injury

Injury arising out of and in course of performance of duties—War reserve constable—Injury while proceeding to place of duty—Position of constable while off duty—Personal Injuries (Emergency Provisions) Act, 1939, s. 8 (1).
Davis v. Minister of Pensions, Ormerod J. [1951] 2 All E.R. 318.

Per quod servitium amisit, action. (*See also* MASTER AND SERVANT.)

Loss of constable's services

Injury by accident—Crown's claim for loss of services—Action per quod servitium amisit not maintainable—Status of constable by statute and at common law—Holder of public office—Not ordinary servant and master relationship—Police Regulation Act, 1899–1947, of New South Wales.
Attorney-General for New South Wales v. Perpetual Trust Co. (Ltd.), J.C. [1955] A.C. 457; [1955] 2 W.L.R. 707.

Wages during incapacity

Police officer injured through negligence of third party—County council continuing to pay officer's emoluments during sickness—County council's claim to be reimbursed by third party.
Monmouthshire County Council v. Smith, Lynskey J. [1956] 1 W.L.R. 1132.
C.A. [1957] 2 Q.B. 154; [1957] 2 W.L.R. 33.

POLICE—*continued.*

Per quod servitium amisit, action (*Wages during incapacity*)—*continued.*

Recovery—Injury to constable through negligence of defendants—Wages during incapacity paid by receiver—Right of recovery by receiver from defendants of money paid—Power of receiver to sue defendants for wages.
Metropolitan Police District Receiver v. Croydon Corporation, Slade J. [1956] 1 W.L.R. 1113. C.A. [1957] 2 Q.B. 154; [1957] 2 W.L.R. 33.

Powers

Reasonable exercise

Production of identity card required Whether reasonable—National Registration Act, 1939, s. 6 (4).
Willcock v. Muckle, Divl.Ct. [1951] 2 K.B. 844; [1951] 2 T.L.R. 373; [1951] 2 All E.R. 367.

Search, right of

Person reasonably suspected of "having or conveying" stolen property

Defendant behaving suspiciously questioned by constable—Defendant going voluntarily to police station to complain—Search in police station—Whether transit broken—Defendant's knowledge of reason for search—Metropolitan Police Act, 1839, s. 66—Prevention of Crimes Act, 1871, s. 12.
Willey v. Peace, Divl.Ct. [1951] 1 K.B. 94.

Wages. *See* **Per quod servitium amisit.**

POLISH RESETTLEMENT. *See* MILITARY LAW **(Allied Forces.)**

PORTIONS
See SETTLEMENT.

POSSESSION. (*See also* BAILMENT; LANDLORD AND TENANT (**Rent restriction** (*Personal occupation*)).)

Land. (*See also* LICENCE OR TENANCY; RATING (**Rateable occupation**); USER OF LAND.)

Agent

Application for new lease—Application opposed by landlords on ground that they intend to occupy premises for business to be carried on by them therein—Landlords a hospital board of governors—Premises to be sold with vacant possession to Minister of Health for hospital uses—Whether intended occupation by board as agents of Minister for his business—National Health Service Act, 1946, ss. 12 (3)—Landlord and Tenant Act, 1954, ss. 23 (2), 30 (1) (*g*).
Hills (Patents) Ld. v. University College Hospital Board of Governors, C.A. [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523.

POST OFFICE. See CROWN PROCEEDINGS.

POWER OF ADVANCEMENT. *See* ADVANCEMENT; TRUSTS.

POWER OF APPOINTMENT

Construction

"Wife"

Power of appointment before marriage or by will—To "wife" if she should survive appointor—Appointment by irrevocable deed in contemplation of marriage—Subsequent divorce on wife's petition—Whether appointee qualified on death of appointor.
In re **Allan,** C.A. [1954] Ch. 295; [1954] 2 W.L.R. 512.

Exercise. (*See also* **General power; Special power.**)

Extent

Trust expressed in favour of a person absolutely—Person holding on behalf of others—Purported assignment of that person's interest in favour of third party as security—Priorities. **B. S. Lyle Ltd. v. Rosher,** H.L.(E.) [1959] 1 W.L.R. 8.

Fraud on power

Benefit to non-object

Appointment to object so as to benefit non-object—Moral persuasion—Formal memorandum. *In re* **Dick,** C.A. [1953] Ch. 343; [1953] 2 W.L.R. 477.

Object of exercise not solely to benefit appointees.
In re **Simpson,** Vaisey J. [1952] Ch. 412; [1952] 1 T.L.R. 868; [1952] 1 All E.R. 963.

Purpose—Settlement—Power of appointment among issue—Testamentary execution in favour of objects of power—Enjoyment of testator's residue conditional on settlement of appointed property by objects in favour of themselves and of non-objects.
In re **Burton's Settlements,** Upjohn J. [1955] Ch. 82; [1954] 3 W.L.R. 581.

Purpose to benefit objects—Subsequent discovery of possible benefit to appointor—Whether purpose changed—Whether fraud on power.
In re **Robertson's Will Trusts,** Russell J. [1960] 1 W.L.R. 1050.

Revocation of appointment

Release—Scheme reducing estate duty—Benefit to appointor and potential appointees—Whether fraud on power—Whether doctrine applies to revocation of appointment.
In re **Greaves,** Vaisey J. [1953] 3 W.L.R. 987; C.A. [1954] Ch. 434; [1954] 2 W.L.R. 557.

POWER OF APPOINTMENT—*continued.*

Fraud on power—*continued.*

Tax avoidance

Exercise in favour of appointor's children—Appointor entitled to income for life—Purchase by appointor of children's reversionary interests—Estate duty—Intention to avoid—Validity of appointment. *In re* **Merton,** Wynn-Parry J. [1953] 1 W.L.R. 1096.

Revocation—Release—Scheme reducing estate duty—Benefit to appointor and potential appointees—Whether fraud on power—Whether doctrine applies to revocation of appointment. *In re* **Greaves,** Vaisey J. [1953] 3 W.L.R. 987; C.A. [1954] Ch. 434; [1954] 2 W.L.R. 557.

General or special power. (*See also* **Hybrid.**)

Joint power

Whether equivalent to joint property—Joint power to be exercised with consent of third party—Rule against perpetuities. *In re* **Churston Settled Estates,** Roxburgh J. [1954] Ch. 334; [1954] 2 W.L.R. 386.

General power

Exercise. (*See also* **Exercise.**)

Will—No reference to power in residuary gift—Reference to two other powers in will—No expression of contrary intention—Whether first power exercised—Wills Act, 1837, s. 27. *In re* **Thirlwell, decd.,** Roxburgh J. [1958] Ch. 146; [1957] 3 W.L.R. 850.

Nature as absolute property

Advancement—Grant of general power by will before 1926—Exercise of power by will after 1925—Whether appointment "constituted or created before the commencement "of" the Trustee Act, 1925—Powers over real or personal property—Trustee Act, 1925, s. 32. *In re* **Bransbury, decd.,** Vaisey J. [1954] 1 W.L.R. 496.

Power contained in English settlement—Whether validly exercised by general disposition in will of testatrix domiciled abroad—Wills Act, 1837, s. 27. *In re* **Waite's Settlement Trusts,** Danckwerts J. [1958] Ch. 100; [1957] 2 W.L.R. 1024.

Hybrid power

Delegation

Power neither special nor general—Power to appointment with consent of trustees and to any person or persons with two named exceptions—Whether capable of delegation. *In re* **Triffitt's Settlement,** Upjohn J. [1958] Ch. 852; [1958] 2 W.L.R. 927.

Perpetuity rule. *See* PERPETUITY RULE.

Power coupled with trust. (*See also* **Unascertainable class.**)

Will

Power of appointment ". . . according to my wishes, for the benefit of my family"—Defective execution—Implication of gift over—Whether power coupled with a trust. *In re* **Perowne, decd.,** Harman J. [1951] Ch. 785; [1951] 1 T.L.R. 1135; [1951] 2 All E.R. 201.

Power of advancement. (*See also* ADVANCEMENT; TRUSTS.)

Distinction

Perpetuity rule. *In re* **Pilkington's Will Trusts,** Danckwerts J. [1959] Ch. 699; [1959] 3 W.L.R. 116.

Special power

Effect of exercise. (*See also* **Exercise.**)

Advancement—Grant of power by will before 1926—Exercise after 1925—Whether trusts "constituted or created before the commencement of" the Trustee Act, 1925—Trustee Act, 1925, s. 32 (3). *In re* **Batty, decd.,** Vaisey J. [1952] Ch. 280; [1952] 1 T.L.R. 412; [1952] 1 All E.R. 425.

Exercise

Settled fund—"In such manner in all respects"—Forfeiture clause—Delegation of power—Validity. *In re* **Morris,** C.A. [1951] W.N. 412; [1951] 2 All E.R. 528.

Whether exercised by general words in appointor's will—"Including any property over "which I may have any power of disposition at . . . death"—Whether intention to appoint. *In re* **Knight, decd.,** C.A. [1957] Ch. 441; [1957] 2 W.L.R. 987.

Unascertainable class. (*See also* **Power coupled with trust;** TRUSTS (**Uncertainty**).)

Power not coupled with duty

Determinable whether any given person within power—Validity. *In re* **Gestetner Settlement,** Harman J. [1953] Ch. 672; [1953] 2 W.L.R. 1033.

Executors to divide limited sum among "friends" nominated by testator's widow—Validity of power—Question of uncertainty. *In re* **Coates, decd.,** Roxburgh J. [1955] Ch. 495; [1954] 3 W.L.R. 959.

Settlement—Discretionary power—Uncertainty—Power to pay income of trust fund in certain events to specified persons and classes of persons—One class not ascertainable—Impossibility of identifying a given person as member of the class—Validity of power. *In re* **Gresham's Settlement,** Harman J. [1956] 1 W.L.R. 573.

Whitby v. Mitchell, rule in

Abolition

Settlement before 1925—Appointment after 1925 infringing rule in Whitby v. Mitchell—Law of Property Act, 1925, s. 161. *In re* **Leigh's Marriage Settlement,** Vaisey J. [1952] W.N. 313; [1952] 1 T.L.R. 1463; [1952] 2 All E.R. 57.

POWER OF ATTORNEY

Exercise

Grantor and grantee divided by line of war

Grantor escaping to allied territory—Grantee remaining in occupied territory—Sale of land by grantee—Not completed—Subsequent claim for specific performance—Whether contract abrogated.

Hangkam Kwingtong Woo v. Liu Lan Fong alias Liu Ah Lan, J.C. [1951] A.C. 707; [1951] 2 T.L.R. 442; [1951] 2 All E.R. 567.

Irrevocable

Mortgage

Equitable mortgage of matrimonial home by husband—Power of attorney to mortgagee to execute legal mortgage—Desertion by husband —Execution of legal mortgage—Effect—Order under Married Women's Property Act, 1882, s. 17—Husband not to interfere with wife's possession—Validity of exercise of power.

Barclays Bank Ld. v. Bird, Harman J. [1954] Ch. 274; [1954] 2 W.L.R. 319.

PRACTICE. (*See also* APPEAL; BANKRUPTCY; COSTS; CRIME; HUSBAND AND WIFE; JUSTICES; PROBATE.)

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Adjournment

Discretion of court

Dual proceedings—High Court proceedings started after county court proceedings in same matter—Adjournment of county court proceedings pending outcome of High Court action.

Airport Restaurants Ltd. v. Southend Corporation, C.A. [1960] 1 W.L.R. 880.

Jurisdiction of Court of Appeal to review judge's decision—Settlement—Tax avoidance scheme—Appeal in similar case pending in House of Lords—Risk of death of settlor meanwhile. *In re* **Yates' Settlement Trusts,** C.A. [1954] 1 W.L.R. 564.

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Appearance

Company

Principal office in London—Factory in Wales—Writ against company issued in Cardiff Registry—Appearance entered in London—Application to set aside appearance—Whether company can reside or carry on business in more than one place—" Resides " —" Carries on business "—R.S.C., Ord. 12, *rr.* 4, 5 (1), (2).

Davies v. British Geon Ltd., Pearson J. [1956] 1 W.L.R. 769.
C.A. [1957] 1 Q.B. 1; [1956] 3 W.L.R. 679.

Leave to enter after final judgment

Motion to set aside judgment obtained by fraud—R.S.C., Ord. 12, r. 22; Ord. 27, r. 15; Ord. 39, r. 6; Ord. 55, r. 74A—Supreme Court of Judicature (Consolidation) Act, 1925, s. 62. **Stern v. Friedman,** Danckwerts J. [1953] 1 W.L.R. 969.

Memorandum

Modified form of writ—R.S.C., Ord 12, r. 8 (as amended by R.S.C. (No. 1) 1960, r. 1)

Practice Direction, Divl.Ct. [1960] 1 W.L.R. 494.

Arbitration. *See* ARBITRATION.

Arguments of counsel

Construction of a statute

Practice notes on working the statute issued by Government Department—Not to be quoted in argument.

London County Council v. Central Land Board, C.A. [1958] 1 W.L.R. 1296.

Assessor

Shipping

Admiralty question in Queen's Bench Division—Need for assessor.

Esso Petroleum Co. Ltd. v. Southport Corpn., Devlin J. [1953] 3 W.L.R. 773.
(C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.)
H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Assizes

Civil action

Settlement of action before it comes into day's list—Party under disability—Procedure.

Practice Direction (Settlements on Assize), Q.B.D. [1953] 1 W.L.R. 1479.

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Camera, hearing in. *See* OPEN COURT.

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Central Office

Public access to documents

Enforcement of public right—Rule of Supreme Court providing that documents filed at the Central Office " shall . . . be accessible to the public "—Refusal by master and

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Central Office (*Public access to documents*)—*continued.*

judge in chambers to grant leave to see document filed at Central Office—Leave granted to appeal from refusal—Application ex parte to Court of Appeal made before institution of any proceedings—No jurisdiction in court to hear application ex parte—Whether proper procedure by prerogative writ or declaration—R.S.C., Ord. 61, r. 17.
Ex parte **Associated Newspapers Ltd.**, C.A. [1959] 1 W.L.R. 993.

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Affidavits

Figures and dates—To be in figures and not in words—Costs of re-swearing and re-filing affidavit not complying with direction payable by solicitor personally.
Love v. Pharaoh and Roberts (Practice Note), Harman J. [1954] 1 W.L.R. 190.

Office copies. **Practice Direction**, Ch.D. [1954] 1 W.L.R. 1389.
Practice Direction, Ch.D. [1955] 1 W.L.R. 36.

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Summons unnecessary. **Practice Direction**, Ch.D. [1954] 1 W.L.R. 1389.
Practice Direction, Ch.D. [1955] 1 W.L.R. 36.

Jurisdiction

Settlement—Revocation—Power of revocation with consent of judge—No power for private person to impose jurisdiction on court—Application for judge's consent dismissed.
In re **Hooker's Settlement**, Danckwerts J. [1955] Ch. 55; [1954] 3 W.L.R. 606.

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Powers—Amendment of R.S.C., Ord. 55, r. 15.
Practice Direction, Ch.D. [1955] 1 W.L.R. 427.
Practice Direction [1960] 1 W.L.R. 1195.

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Order, drawing up

Minutes of order drawn by counsel—Functions of registrar.
Practice Direction, Ch.D. [1960] 1 W.L.R. 1168.

Procedural orders. **Practice Direction**, Ch.D. [1960] 1 W.L.R. 1166.

Payment out of court

Application—Widow or married woman—Affidavit of no settlement—R.S.C., Ord. 55, r. 2 (1). **Practice Direction**, Ch.D. [1958] 1 W.L.R. 856.

Payment into court by plaintiff of £10,000—Settlement of action—Consent summons for payment out of £10,000 to plaintiff—Rejection of summons by master and by judge in chambers for want of jurisdiction—Setting down of action for trial in open court—Jurisdiction to order payment out.
Harvey v. Smith, Danckwerts J. [1951] W.N. 262; [1951] 1 T.L.R. 1122.

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Witness list—Date of hearing. **Practice Direction**, Ch.D. [1952] W.N. 106.

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——— Interlocutory applications after case has appeared in list.
Morley v. Woolfson (Practice Note), Harman J. [1954] 1 W.L.R. 1363.

——— Length of trial—Date of hearing.
Practice Direction, Ch.D. [1954] 1 W.L.R. 693.

——— Originating summonses and motions with witnesses—Appearance in warned list—Effect—Procedure relating to witness actions.
Practice Direction (Day for Trial), Ch.D. [1953] 1 W.L.R. 894.

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Consolidation of actions

Libel

Whether order for consolidation can be made out on summons for directions in second action—Discretion—Principles of exercise.
Daws v. Daily Sketch and Daily Graphic Ltd., C.A. [1960] 1 W.L.R. 126.

Personal injuries

Order for consolidation on issue of liability—Right of plaintiffs to separate representation preserved—Order for costs for solicitors appearing without counsel—R.S.C. Ord. 49, r. 8.
Healey v. A. Waddington & Sons Ld., C.A. [1954] 1 W.L.R. 688.

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Irrelevant matter expunged—Official referee—Jurisdiction—R.S.C., Ord. 37A, r. 1.
Audley Land Co. Ld. v. Kendall (Practice Note), W. K. Carter, Q.C. [1955] 1 W.L.R. 639.

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Criminal Law. *See* CRIME.

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Death of party

Effect. (*See also* HUSBAND AND WIFE; PRIVY COUNCIL.)

Death of appellant after hearing and before judgment given.
Bonsor v. Musicians' Union, C.A. [1954] Ch. 479; [1954] 2 W.L.R. 687.

Declaratory judgment. (*See also* TRIBUNAL (**Statutory**).)

Discretion

Change in law pending—New Act not yet in force.
Ching Garage Ltd. v. Chingford Corpn., C.A. [1960] 1 W.L.R. 947.

Ferry

Closure—Ferry owned by municipal corporation—Not extensively used and run at a loss—Operation discontinued—Relator action—Refusal of declaration—Remedies available.
Attorney-General v. Colchester Corporation, Lord Goddard C.J. [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913.

Foreign divorce, validity. *See* HUSBAND AND WIFE (**Divorce**).

Rating

Whether jurisdiction to grant declaration that organisation entitled to rating relief.
Waterson v. Hendon Borough Council, Salmon J. [1959] 1 W.L.R. 985.

Restrictive covenant. *See* RESTRICTIVE COVENANT.

Slander of title. *See* SLANDER OF TITLE.

Town and country planning

Development—Declaration—Whether jurisdiction to grant declarations ousted by statute—Town and Country Planning Act, 1947, ss. 14, 15, 17.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government,
C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

Discontinuance of action. (*See also* **Settlement.**)

Effect of settlement

Action for damages—Two plaintiffs and two defendants—Plaintiff's claims settled—Damages and costs paid by second defendant—Plaintiffs' names left on record—Action brought to trial—No evidence offered by plaintiffs—Whether court has power to determine proportion of damages as between defendants.
Calvert v. Pick, Gerrard J. [1954] 1 W.L.R. 456.
Woods v. Martins Bank Ltd., Salmon J. [1958] 1 W.L.R. 1018.

Discovery. (*See also* **Inspection.**)

Affidavit of documents. (*See also Privilege.*)

In general conclusive—R.S.C., Ord. 31, r. 12, proviso.
Edmiston v. British Transport Commission, C.A. [1956] 1 Q.B. 191; [1956] 2 W.L.R. 21.

Default of appearance

Whether order for discovery should be made—Party improperly joined.
Gould v. National Provincial Bank Ltd., Russell J. [1960] Ch. 337; [1960] 2 W.L.R. 417.

Originating summons

Landlord and tenant—Application for a new lease—Affidavit evidence—Summons adjourned for trial on affidavit and oral evidence—Whether tenants entitled to discovery.
Wine Shippers (London) Ltd. v. Bath House Syndicate Ltd.,
Buckley J. [1960] 1 W.L.R. 613.
C.A. [1960] 1 W.L.R. 989.

——— ——— Application by tenant for discovery—Principles applicable.
John Miller (Shipping) Ltd. v. Port of London Authority (Practice Note), Roxburgh J. [1959] 1 W.L.R. 910.

Privilege. (*See also* CROWN (**Privilege**).)

Affidavit of documents—Prima facie conclusive—Plaintiffs' claim for damage to aircraft—Defendants insured against third-party risks—Correspondence between defendants and their insurers—Whether privileged—R.S.C., Ord. 31, r. 19A (2).
Westminster Airways Ltd. v. Kuwait Oil Co. Ltd., C.A. [1951] 1 K.B. 134; [1950] 2 All E.R. 596.

——— Reports stated to be made inter alia in view of anticipated litigation—Whether conclusively establishing claim for privilege—Reports of private inquiry to investigate causes of accident—Purpose of inquiry to prevent further accidents—Whether submission to solicitor must be appreciable purpose of reports—R.S.C., Ord. 31, r. 1.
Longthorn v. British Transport Commission, Diplock J. [1959] 1 W.L.R. 530.

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Divorce—Desertion—Probation officer—Attempt towards reconciliation—Husband's reply to officer's letter—Whether privileged.
Mole v. Mole, C.A. [1951] P. 21; 66 T.L.R. (Pt. 2) 129; [1950] 2 All E.R. 328.

———— Statement of party to self-appointed conciliator.
Henley v. Henley, Sachs J. [1955] P. 202; [1955] 2 W.L.R. 851.

Documents made in contemplation of litigation—Copy made of document not privileged—Hospital case notes—Copy prepared by solicitors for litigation.
Watson v. Cammell Laird & Co. (Shipbuilders and Engineers) Ltd., C.A. [1959] 1 W.L.R. 702.

———————————— Reports of accident made by defendants' servants—Reports made as part of long standing system and in course of statutory duty—Whether such reports privileged—Whether submission to solicitor must be dominant or substantial purpose of reports—R.S.C., Ord. 31, r. 1.
Seabrook v. British Transport Commission, Havers J. [1959] 1 W.L.R. 509.

———————————— Written statements by hospital staff concerning post-operative infection—Statements made in accordance with procedure recommended by Ministry of Health circular, before any intimation of plaintiff's claim—Whether such statements privileged.
Patch v. United Bristol Hospitals Board, Streatfeild J. (Bristol Assizes) [1959] 1 W.L.R. 955.

Forfeiture of lease, action for—Counterclaim for relief against forfeiture—Whether exclusion of discovery on forfeiture claim extended to counterclaim—Law of Property Act, 1925, s. 146 (2). **Mascherpa v. Direct Ltd.,** C.A. [1960] 1 W.L.R. 447.

Limited to litigant—Medical report obtained by defendants for purpose of litigation—Paragraphs of report sent by defendants' solicitors in letter to plaintiff's solicitors, and shown by them to plaintiff—Action for libel commenced by plaintiff against doctor—Defence of privilege by doctor—Whether legal professional privilege possessed by defendants in first action extends to the defendant in a second action.
Schneider v. Leigh, C.A. [1955] 2 Q.B. 195; [1955] 2 W.L.R. 904.

Mental deficiency—Defective detained—Reports.
Regina v. Statutory Visitors to St. Lawrence's Hospital, Caterham. *Ex parte* **Pritchard,** Divl.Ct. [1953] 1 W.L.R. 1158.

Professional privilege—Denial of solicitor's authority to compromise action—Interrogatories—Communications between solicitor and client—Whether instructions privileged.
Conlon v. Conlons Ltd., C.A. [1952] W.N. 403; [1952] 2 All E.R. 462; [1952] 2 T.L.R. 343.

———————— Director of Public Prosecutions—Documents relating to criminal prosecution. **Auten v. Rayner (No. 2),** Glyn-Jones J. [1960] 1 Q.B. 669; [1960] 2 W.L.R. 562.

———————— Taxation of costs—Privilege attaching to brief—Divorce.
Hobbs v. Hobbs and Cousens, Stevenson J. [1960] P. 112; [1959] 3 W.L.R. 942.

Without prejudice negotiations to avoid litigation — Whether reports made for purpose of negotiations privileged from production—R.S.C., Ord. 31, r. 18.
Rabin v. Mendoza & Co., C.A. [1954] 1 W.L.R. 271.

Property in documents

Chartered accountant—Audit of client's accounts—Working accounts and other papers produced in preparation of final audit—Property in—Disclosure.
Chantrey Martin v. Martin, C.A. [1953] 2 Q.B. 286; [1953] 3 W.L.R. 459.

Relevance of document

Allegation that dermatitis caused by defendants' product—Disclosure by defendants of all complaints and congratulatory letters received to date of plaintiff's purchase of product—Application by plaintiff for discovery of complaints and other documents—Relevance of complaints relating to subsequent use.
Board v. Thomas Hedley & Co. Ltd., C.A. [1951] W.N. 422; [1951] 2 T.L.R. 779; [1951] 2 All E.R 431.

Landlord and tenant—Business premises—Security of tenure—Means of tenant and landlord—Landlord and Tenant Act, 1954, s. 30 (1) (*a*) (*c*) (*g*).
In re **St. Martin's Theatre,** Danckwerts J. [1959] 1 W.L.R. 872.

Dismissal of action for want of prosecution

Long delay

Effect of plaintiff's twelve years' delay in prosecuting action—Notice of change of solicitors served with summons to dismiss for want of prosecution. Rules of the Supreme Court—Waiver—R.S.C., Ord. 7, r. 2 (1) and (6) not complied with—Irregularity waived—Proceedings not void—R.S.C., Ord. 70, r. 1.
Krakauer v. Katz, C.A. [1954] 1 W.L.R. 278.

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Erroneous practice

Effect

Maintenance application — Matrimonial Causes Act, 1950, s. 19 — Matrimonial Causes Rules, 1950, r. 44 (1).
Simmonds v. Simmonds, Lord Merriman P. [1956] P. 47; [1955] 3 W.L.R. 129.

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Garnishee proceedings

Attachable debt

Building contract—Materials ordered by garnishee from judgment debtor—Architect's certificate not yet received by garnishee—Whether attachable debt—R.S.C., Ord. 45, r. 1. **Dunlop & Ranken Ltd. v. Hendall Steel Structures Ltd.,** Divl.Ct. [1957] 1 W.L.R. 1102.

Money awarded to the judgment debtor under a judgment, in the hands of the Law Society—Money liable to statutory charges—Exact amount not calculable at the time of the garnishee order nisi—Whether such money can be attached. **Dawson v. Preston,** Divl.Ct. [1955] 1 W.L.R. 1219.

Bank account

Deposit account—Garnishee summons—Term of contract between bank and depositor not complied with by depositor—Whether garnishee order good. **Bagley v. Winsome,** C.A. [1952] 2 Q.B. 236; [1952] 1 All E.R. 637.

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Procedure

Garnishee order absolute—Right of judgment debtor to appear at the hearing—Right of appeal—R.S.C., Ord. 45, r. 1. **Dawson v. Preston,** Divl.Ct. [1955] 1 W.L.R. 1219.

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Infant. *See* INFANT.

Injunction. *See* INJUNCTION.

Inspection

Land

Not in possession of party—Specific performance—Sale of leasehold property—Building still requisitioned and in possession of the local authority—Order for inspection—Jurisdiction—R.S.C., Ord. 50, r. 3. **Penfold v. Pearlberg,** Roxburgh J. [1955] 1 W.L.R. 1068.

Interest. *See* INTEREST.

Interlocutory order. (*See also* COURT OF APPEAL.)

Meaning

Infant—Application to suspend access by mother—Whether interlocutory proceeding—Admissibility of hearsay evidence in affidavits—Scandalous matter—Discretion of court to strike out—R.S.C., Ord. 38, rr. 3, 11. **Rossage v. Rossage,** C.A. [1960] 1 W.L.R. 249.

——— Ward of court—Application to take out of jurisdiction—Whether interlocutory proceeding—Admissibility of hearsay evidence in affidavits—Discretion of court to strike out—R.S.C., Ord. 38, rr. 3, 11. *In re* **J.,** Cross J. [1960] 1 W.L.R. 253.

Interpleader proceedings. (*See also* **Pending proceedings.**)

Costs

Order that two actions be listed and tried together—Whether jurisdiction to order unsuccessful plaintiff in one action to pay defendant in that action costs of different proceedings to which plaintiff was not party—R.S.C., Ord. 65, r. 1. **John Fairfax & Son Pty. Ltd. v. E. C. de Witt & Co. (Australia) Pty. Ltd.,** C.A. [1958] 1 Q.B. 323; [1957] 3 W.L.R. 877.

Discretion of court to refer to arbitration

Principles of exercise—Charterparty—Arbitration clause—Issue between owners and charterers—Master's order referring issue to commercial court—Arbitration Act, 1950, ss. 4, 5. *In re* **Phoenix Timber Co. Ltd.'s Application,** C.A. [1958] 2 Q.B. 1; [1958] 2 W.L.R. 574.

Interpreter

Plaintiff in person

Summons—Foreign applicant ignorant of English—Whether applicant entitled to open case through interpreter—Discretion of court. *In re* **Trepca Mines Ltd.,** Roxburgh J. [1960] 1 W.L.R. 24.

Interrogatories

Documents lost or destroyed

Power to allow—Documents to be necessary to establish case—R.S.C., Ord. 31, r. 2. **Ramsey v. Ramsey,** Davies J. [1956] 1 W.L.R. 542.

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Matrimonial causes

Cruelty. **Hulbert v. Hulbert,** C.A. [1957] P. 174; [1957] 2 W.L.R. 808.

Notice

Two defendants—Contribution or indemnity—No third-party procedure—Application by one defendant to interrogate the other—Notice to be issued and served before application to interrogate—R.S.C., Ord. 16A, r. 12.
Clayson v. Rolls Royce Ltd., C.A. [1951] 1 K.B. 746; [1950] 2 All E.R. 884.

Judgment. *See* **Order**; JUDGMENT.

Jury, civil action

Disagreement of jury

Procedure for re-entry.
Davidson v. Rodwell (Practice Note), Q.B.D. [1955] 1 W.L.R. 654.

Note from jury to judge

Duty of judge to disclose contents—Divorce.
Fromhold v. Fromhold, C.A. [1952] W.N. 278; [1952] 1 T.L.R. 1522.

Opening of pleadings by junior counsel

Discontinuance of practice. **Practice Direction,** Q.B.D. & P. [1960] 1 W.L.R. 658.

Right to jury

Judge's discretion—Whether Court of Appeal will interfere—Personal injuries—Very grave injuries—R.S.C., Ord. 36, r. 1 (1) (3). **Pease v. George,** C.A. [1960] 1 W.L.R. 427.

Libel—Defence imputing libel—Whether defence a "claim in respect of libel"—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6 (1) (b).
Shordiche-Churchward v. Cordle, C.A. [1959] 1 W.L.R. 351.

Submission of no case. See **Submission of no case.**

Verdict

Plea of justification by defendants—Plaintiff's evidence in rebuttal not given—Intervention of jury before conclusion of defendants' evidence—Plaintiff's right to give evidence in rebuttal—Discretion of judge as to procedure.
Beevis v. Dawson, Finnemore J. [1956] 2 Q.B. 165; [1956] 3 W.L.R. 161;
C.A. [1957] 1 Q.B. 195; [1956] 3 W.L.R. 1016.

Verdict taken by associate in judge's absence—Validity of verdict—Undesirability of practice—"Open court"—"Privy verdict."
Hawksley v. Fewtrell, C.A. [1954] 1 Q.B. 228; [1953] 3 W.L.R. 1070.

Landlord and tenant. *See* LANDLORD AND TENANT.

Libel. *See* LIBEL AND SLANDER.

"Liberty to apply"

Meaning

Occupation by wife of matrimonial home—Possession sought by husband—Agreed order for possession, suspended subject to conditions—"Liberty to apply"—Meaning—No power of court to vary order—Question raised by application not connected with working out of order—Married Women's Property Act, 1882, s. 17.
Cristel v. Cristel, C.A. [1951] 2 K.B. 725; [1951] 2 All E.R. 574.

Medical report

Agreed report

Attempt to agree—Plaintiff's report submitted to defendants at defendants' request—Implied understanding for defendants to reciprocate.
Devine v. British Transport Commission, Denning L.J. [1954] 1 W.L.R. 686.

Mortgage. *See* MORTGAGE.

Non-compliance with rule of court

Dispensation of court

Whether court empowered to authorise disregard of rule in advance—New petition for divorce before prior petition disposed of—R.S.C., Ord 70, r. 1.
Blacker v. Blacker, C.A. [1960] P. 146; [1960] 2 W.L.R. 800.

Note of evidence

Right of party to

Matrimonial proceedings—Note of clerk to justices—Required for divorce suit—Right to subpoena clerk. **McKinley v. McKinley,** Wrangham J. [1960] 1 W.L.R. 120.

Official Referee. *See* **Trial** (*Mode*); OFFICIAL REFEREE.

Order. (*See also* **Chancery Division**; JUDGMENT.)

Order not drawn up

Application—Variation of scheme directing cy-près application of charitable funds—Payment to body not party to proceedings—Court of Appeal.
In re **Songest, decd.,** C.A. [1956] 1 W.L.R. 1311.

Recall

Chancery Division—Jurisdiction—Jurisdiction of judge to recall order pronounced but not entered—Whether only exercisable on application by party to suit.
In re **Harrison's Share under a Settlement.**
In re **Ropner's Settlement Trusts,** Roxburgh J.
[1954] 3 W.L.R. 156.
C.A. [1955] Ch. 260; [1955] 2 W.L.R. 256.

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Order (*Recall*)—*continued.*

Order not drawn up—Amendment of pleading.
Hall v. Meyrick, C.A. [1957] 2 Q.B. 455; [1957] 3 W.L.R. 273.

Order without jurisdiction—Inherent power of court which made order to set it aside.
Kofi Forfie v. Seifah, J.C. [1958] A.C. 59; [1958] 2 W.L.R. 52.

Time of effect

Whether relating back to earliest moment of day on which made.
Kruhlak v. Kruhlak (No. 2), Divl.Ct. [1958] 1 W.L.R. 606.

Order 14. *See* **Summary procedure.**

Originating notice of motion

Jurisdiction to amend

Compulsory purchase order—Objection by person aggrieved—On ground that authorisation not empowered by statute—Application to be made within six weeks from notice of confirmation order, etc., first published—Proposed amendment by adding further reason for objection—Jurisdiction—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. I, Part IV, paras. 15 (1), 16—R.S.C., Ord. 55B, n. 71, 73, 75.
Hanily v. Minister of Local Government and Planning, C.A. [1951] 2 K.B. 917; [1951] 2 All E.R. 749.

Originating summons

Construction question

Jurisdiction—Person "interested under . . . written instrument"—"Claiming any legal "or equitable right"—Town and Country Planning—Enforcement notice—Validity—Originating summons for declaration that notice invalid—Whether correct procedure—Town and Country Planning Act, 1947, s. 23—R.S.C., Ord. 54A, rr. 1, 1A.
Rigden v. Whitstable Urban District Council, Danckwerts J. [1959] Ch. 422; [1958] 3 W.L.R. 205.

Discovery. See **Discovery.**

Moneylender

Application by originating summons for payment of moneys secured—Whether summons should contain facts to be contained in statement of claim—R.S.C., Ords. 3, r. 10; 20, r. 10; 55, r. 5A. **Lewis v. Packer,** Danckwerts J. [1960] 1 W.L.R. 452.

Preliminary point of law arising

Issue of pro forma summons.
Bolton's (House Furnishers) Ltd. v. Oppenheim, Danckwerts J. [1959] 1 W.L.R. 685.

Service

Waiver—Originating summons by tenants for grant of new tenancy—Summons not served on landlords—Summons adjourned generally on tenants' application—No application by tenants to restore—Application by landlords to dismiss summons for want of prosecution—Whether landlords entitled to be heard—Landlord and Tenant Act, 1954, s. 64 (1)—R.S.C., Ord 53D, r. 5 (1) (2) (3); r. 6; Ord. 54, r. 4E.
Pike v. Michael Nairn & Co. Ltd., Cross J. [1960] Ch. 553; [1960] 2 W.L.R. 897.

Particulars. *See* **Pleadings.**

Parties

Administration action. See ADMINISTRATION; BANKRUPTCY (**Executor**); PROBATE.

Fatal accident claim. See FATAL ACCIDENTS ACTS.

Joinder

Claim against occupier to praedial servitude—Counterclaim—Owner of servient tenement not a party—Substantial issue between parties—Action not fundamentally bad—Joinder of owner—Powers of court—British Guiana Rules of Court, 1900, Ord. XIV, rr. 13, 14, 15—West Indian Court of Appeal Rules, 1945, rr. 16 (1), 5 (1)—R.S.C., Ord. 16, rr. 11, 12, 13. **Hanoman v. Rose,** J.C. [1955] A.C. 154; [1955] 2 W.L.R. 53.

Crown—Amicus curiae—R.S.C., Ord. 16, r. 11.
Morelle Ld. v. Wakeling, C.A. [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672.

Debtor to bank—Whether proper party to summons by guarantor for declaration that legal charge and guarantees were invalid.
Gould v. National Provincial Bank Ltd., Russell J. [1960] Ch. 337; [1960] 2 W.L.R. 417.

Defendants' application to add further defendants—Allegation by plaintiff that confidential information made use of in design of a pen—Claim by plaintiff for injunction restraining defendants from making use of information—Claim by third person to be inventor of defendants' pen—Third person's claim to be entitled to minimum royalty from defendants on sales of pen—Whether third person a "necessary" party to the action—R.S.C., Ord. 16, r. 11. **Amon v. Raphael Tuck & Sons Ltd.,** Devlin J. [1956] 1 Q.B. 357; [1956] 2 W.L.R. 372.

———————— Sole purpose to assist on counterclaim—No jurisdiction—R.S.C., Ord. 16, r. 11.
Atid Navigation Co. Ld. v. Fairplay Towage & Shipping Co. Ld., Wynn-Parry J. [1955] 1 W.L.R. 336.

Hire-purchase agreement—Proceedings against hirer for recovery of hired goods "commenced," on filing of praecipe—Hirer not served with summons—Whether "made" party to action by being named as defendant in praecipe—Attempt to continue action against guarantor alone—Hire-Purchase Act, 1938, s. 12 (1) (2).
United Motor Finance Corpn. Ltd. v. Turner, C.A. [1956] 2 Q.B. 32; [1956] 2 W.L.R. 730.

PRACTICE—*continued.*

Parties (*Joinder*)—*continued.*

Partnership—Firm name—Defendants sued in firm name—One partner out of jurisdiction—Application for leave to issue concurrent writ and serve out of jurisdiction—Proper procedure—Note in *Annual Practice*—R.S.C., Ord. 48A, rr. 3, 8.
West of England SS. Owners' Protection and Indemnity Association Ltd. v. John Holman & Sons, Roxburgh J. [1957] 1 W.L.R. 1164.

——— Partner's conversion of partnership property—Cheques payable to partnership indorsed by one partner and paid into third person's banking account—Right of aggrieved partner to sue bank alone without joining guilty partner—R.S.C., Ord. 16, r. 11. **Baker v. Barclays Bank Ld.,** Devlin J. [1955] 1 W.L.R. 822.

Third parties' application to be joined as co-defendants—Embarrassment for defendant to protect own interest and third parties'—Interest akin to proprietary right in subject-matter of action—R.S.C., 1883, Ord. 16, r. 11.
Dollfus Mieg et Cie S.A. v. Bank of England, Wynn-Parry J. [1951] Ch. 33.

——— Purpose of joinder to counterclaim against plaintiffs—Jurisdiction—R.S.C., Ord. 16, r. 11.
The Result, Willmer J. [1958] P. 174; [1958] 2 W.L.R. 725.

Third party procedure—Third, fourth and fifth parties—Application by third party to serve fourth party notice on fifth party—Supreme Court of Judicature (Consolidation) Act, 1925, s. 39 (1) (*b*)—R.S.C. Ord. 16A, rr. 1, 11—Order 16, r. 11.
Piddock v. Clifford Products Ltd., C.A. [1960] 1 W.L.R. 1383.

Misdescription

Amendment—Defendant sued in his trade name—Defendant appearing and defending action—Judgment for plaintiffs—Proceedings abroad to enforce judgment—Defendant's name differing from trade name—Leave to amend title of action.
Pearlman (Veneers) S.A. (Pty.) Ld. v. Bernhard Bartels, C.A. [1954] 1 W.L.R. 1457.

——— French firm—Described in writ as "a company incorporated according to the laws of France"—Misnomer—Firm not a non-existent person—Amendment by adding names of members—R.S.C., Ord. 4, r. 1; Ord. 16, r. 2.
Etablissement Baudelot v. R. S. Graham & Co. Ld., Sellers J. [1952] W.N. 489; [1952] 2 T.L.R. 736. C.A. [1953] 2 Q.B. 271; [1953] 2 W.L.R. 180.

——— Limitation of action.
In re **Nos. 55 & 57, Holmes Road, Kentish Town,** Harman J. [1959] Ch. 298; [1958] 2 W.L.R. 975.

Representative action

Action on behalf of all tenants of local authority—Conflicting interests of different classes of tenant—Whether action properly constituted—R.S.C., Ord. 16, r. 9.
Smith v. Cardiff Corporation, C.A. [1954] 1 Q.B. 210; [1953] 3 W.L.R. 994.

Member's club—Tort—Negligence—Two members sued "on their own behalf and on "behalf of all the other members of the" club—Representation order—"Common "interest"—Order restricted to members of club at date injuries sustained—R.S.C., Ord. 16, r. 9. **Campbell v. Thompson,** Pilcher J. [1953] 1 Q.B. 445; [1953] 2 W.L.R. 656.

Striking out

Legal proceedings instituted without authority—Application to strike out—Proceedings instituted by managing director without company's authority—Application to strike out name of plaintiff company—Adoption of proceedings by liquidator of company—Effect.
Danish Mercantile Co. Ltd. v. Beaumont, C.A. [1951] Ch. 680; [1951] 1 All E.R. 925.

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Payment into court. (*See also* **Chancery Division**; COSTS.)

Contractual interest

Purchaser liable to interest if purchase price unpaid on completion date—Payment into court to avoid giving up possession—Contractual interest payable after lodgment.
Pearlberg v. May, Harman J. [1951] Ch. 104. C.A. [1951] Ch. 699; [1951] 2 T.L.R. 1; [1951] 1 All E.R. 1001.

Counterclaim

Plea of equitable set-off by defendants—Payment into court by defendants accepted by plaintiffs—Whether balance of counterclaim extinguished by such payments—R.S.C., Ord. 22, r. 1 (1).
A. Martin French v. Kingswood Hill Ltd., C.A. [1961] 1 Q.B. 96; [1960] 2 W.L.R. 947.

Defendants sued severally

Action for infringement of copyright—Claim for damages against all defendants for infringement and breach of confidence and against two defendants for conversion—Application for the payment of one sum into court by all defendants in respect of all causes of action—Whether permissible—R.S.C., Ord. 22, r. 1 (1), (2); r. 4 (1).
Robertson v. Aberdeen Journals Ld., Upjohn J. [1954] 1 W.L.R. 1084.

PRACTICE—*continued.*

Payment into court—*continued.*

Notice

Form—Factories Act and common law claims—Whether causes of action must be specified—R.S.C., Ord. 22, r. 1 (2).
Graham v. C. E. Heinke & Co. Ltd., Donovan J. [1958] 1 Q.B. 432; [1958] 2 W.L.R. 224. C.A. [1958] 3 W.L.R. 737.
Nolan v. Marshall Ld., McNair J. [1953] 3 W.L.R. 257; C.A. [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285.

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Application—At what stage permissible—Judge's discretion—R.S.C., Ord. 22, r. 2 (1), (3). **Practice Note (Payment Out)**, Q.B.D. [1953] 1 W.L.R. 780.

Enforcement of judgment—Judgment recovered by creditor in county court—Fund lodged in High Court to credit of judgment debtor—Application to High Court for charging order on fund in respect of judgment in county court—Jurisdiction—Judgments Act, 1838, s. 12—County Courts Act, 1934, s. 136 (1) (2)—Administration of Justice Act, 1956, s. 34 (3).
London County Council v. Monks, Danckwerts J. [1959] Ch. 239; [1959] 2 W.L.R. 17.

Tax deduction

Party entitled or obliged to deduct tax on interest of claim—Whether payment made with deduction of tax. **The Norseman**, Lord Merriman P. [1957] P. 224; [1957] 3 W.L.R. 263.

Tender

Price of work and labour done—Tender of amount less than that claimed—Refusal—Action to recover full amount claimed—Payment into court of amount tendered—Judgment for plaintiff for full amount claimed—Payment out to plaintiff, in part satisfaction of judgment, of amount paid into court—Costs of action.
Read's Trustee in Bankruptcy v. Smith, Roxburgh J. [1951] Ch. 439; [1951] 1 All E.R. 406.

Pending proceedings. (*See also* **Interlocutory**; CONTEMPT.)

Landlord and tenant

Application for new tenancy refused by judge and appeal dismissed—Leave to appeal refused—Application "finally disposed of"—Landlord and tenant.
Austin Reed Ltd. v. Royal Insurance Co. Ltd. (No. 2), Harman J. [1956] 1 W.L.R. 1339.

Pleadings. (*See also* HUSBAND AND WIFE.)

Amendment

After conclusion of hearing. **Loutfi Pasha v. C. Czarnikow Ltd.**, Sellers J. [1952] W.N. 481; [1952] 2 All E.R. 823n.

Amendment "for the purposes of determining the real question in controversy"—Fraudulent conversion of trust fund—Claim by beneficiary to follow assets in hands of innocent third party—Application at trial to amend defence by pleading giving of value—R.S.C., Ord. 28, r. 1.
G. L. Baker Ltd. v. Medway Buildings and Supplies Ltd., Danckwerts J. & C.A. [1958] 1 W.L.R 121.

Effect—Retroactive—Amendment of defence to admit landlord's title before any effective step taken by landlord to claim forfeiture—Whether amendment effective to exclude right to forfeiture.
Warner v. Sampson, Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212. C.A. [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109.

Gold Coast—Land's Division of Supreme Court—Transferred case—Jurisdiction.
Kwasi v. Twum, J.C. [1953] 1 W.L.R. 1434.

Leave to amend particulars of claim—Amendment never formulated—Appeal—Duty of court and parties to put record in order.
Cole v. Lejeune, C.A. [1951] W.N. 353; [1951] 2 T.L.R. 308.

Limitation Act, amendment depriving defendant of defence under. *See* LIMITATION OF ACTION (**Vested right**).

Red ink—Whether necessary—R.S.C., Ord. 19, r. 10; Ord. 28, r. 8.
In re **Langton, decd.**, C.A. [1960] 1 W.L.R. 246.

Condition

Breach—R.S.C., Ord. 19, r. 14.
Bond Air Services Ld. v. Hill, Lord Goddard C.J. [1955] 2 Q.B. 417; [1955] 2 W.L.R. 1194.

Damages

Defence—Need to plead new issue of fact in mitigation—Libel—Bad reputation of plaintiff—R.S.C., Ord. 19, r. 15; Ord. 21, r. 4.
Speidel v. Plato Films Ltd., C.A. [1960] 3 W.L.R. 391.

General traverse

No effective distinction between denial and non-admission—General traverse putting plaintiff to proof—Possession action—Whether denial amounting to forfeiture of lease.
Warner v. Sampson, Ashworth J. [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212. C.A. [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109.

Greater includes less

Landlord and tenant. **Biles v. Caesar**, C.A. [1957] 1 W.L.R. 156.

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Pleadings—*continued.*

Indebitatus assumpsit count

Plea of " never indebted "—Effect.
Bank of New South Wales v. Laing, J.C. [1954] A.C. 135; [1954] 2 W.L.R. 25.

Negligence

Defence—Act of third party—Plaintiff injured by defective tool—Proposed defence that tool supplied by reputable firm—Defence to be pleaded—R.S.C., Ord. 19, rr. 4, 15.
Davie v. New Merton Board Mills Ltd. (Note), Havers J. [1956] 1 W.L.R. 233n.

Omission

Reliance on, not pedantry. **Esso Petroleum Co. Ltd. v. Southport Corpn.** H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Particulars

Delivery—Order that particulars be delivered in specified time—In default paragraphs of defence to be struck out—Particulars delivered insufficient—" Default "—Whether referring to time for compliance or sufficiency of particulars—Whether paragraphs automatically struck out—R.S.C., Ord. 19, r. 7.
Reiss v. Woolf, Devlin J. [1952] W.N. 290; [1952] 1 T.L.R. 1391; [1952] 2 All E.R. 9.
C.A. [1952] 2 Q.B. 557; [1952] 1 T.L.R. 1606; [1952] 2 All E.R. 112.

Further and better particulars—Application—Application for particulars of statement of claim before defence or discovery—Discretion of court.
Ross v. Blakes Motors Ltd., C.A. [1951] W.N. 478; [1951] 2 All E.R. 689.

" Knowledge "—" Notice "—R.S.C., Ord. 19, rr. 22, 23.
Cresta Holdings Ltd. v. Karlin, C.A. [1959] 1 W.L.R. 1055.

Particulars to be communicated by markings on agreed scale plan—Court's discretion—R.S.C., Ord. 19, r. 7. **Tarbox v. St. Pancras Borough Council,** C.A. [1952] W.N. 254; [1952] 1 T.L.R. 1293; [1952] 1 All E.R. 1306.

Traverse negative pregnant—Income tax—Penalty—Failure to make returns within prescribed time " without reasonable excuse "—Denial by taxpayer that he failed to furnish particulars required " without reasonable excuse "—Whether denial a negative averment—Whether plaintiffs entitled to particulars of reasonable excuse to be relied on—Income Tax Act, 1952, ss. 19, 232 (2)—R.S.C., Ord. 19, r. 6.
Inland Revenue Comrs. v. Jackson, C.A. [1960] 1 W.L.R. 873.

Wrongful dismissal—Claim for special damages—Loss of remuneration—Whether particulars of taxable income must be given.
Phipps v. Orthodox Unit Trusts Ltd., C.A. [1958] 1 Q.B. 314; [1957] 3 W.L.R. 856.

Pleading disclosing no cause of action. (*See also Striking out.*)

Point not taken in county court—Appeal—Remission of case to same judge.
Whall v. Bulman, C.A. [1953] 2 Q.B. 198; [1953] 3 W.L.R. 116.

Statement of claim. (*See also Amendment; Particulars; Striking out.*)

Need only state facts. **United Africa Co. Ld. v. Saka Owoade,** J.C. [1955] A.C. 130; [1955] 2 W.L.R. 13.

Striking out. (*See also* **Parties**; LIBEL.)

Action to recover prize money in respect of football coupon—Provision in coupon that transaction " binding in honour only "—Whether action maintainable.
Lee v. Sherman's Pools Ltd., C.A. [1951] W.N. 70.

Libel—Innuendo—Application to strike out—R.S.C., Ord. 19, rr. 6 (2), 27; Ord. 25, r. 4.
Greenslade v. Swaffer, C.A. [1955] 1 W.L.R. 1109.

Negligence—Whether plaintiff " neighbour " of defendant—Question of degree—Inherent jurisdiction of court—R.S.C., Ord. 25, r. 4.
Prince v. Gregory, C.A. [1959] 1 W.L.R. 177.

Servant's claim to declaration that service agreement repudiated by master—Servant still in master's employment—R.S.C., Ord. 25. r. 5.
Howard v. Pickford Tool Co. Ltd., C.A. [1951] 1 K.B. 417.

Trespass

Whether plaintiff must plead negligence.
Fowler v. Lanning, Diplock J. [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Preliminary point

Libel action. See LIBEL.

Validity of deed of appointment

Whether procedure appropriate.
Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd., Cross J. [1961] Ch. 88; [1960] 3 W.L.R. 108.

Privy Council. *See* PRIVY COUNCIL.

Probate. *See* PROBATE.

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Restrictive practice. *See* RESTRICTIVE PRACTICE.

Revenue. *See* REVENUE.

PRACTICE—*continued.*

Revival of proceedings

Application for order to carry on

Proceedings worked out—Jurisdiction—Special circumstances—R.S.C., Ord. 17, r. 4.
In re **Tate's Will Trusts,** Wynn-Parry J. [1959] Ch. 615; [1959] 2 W.L.R. 849.

Sale by court

Auctioneer's remuneration

Right to attend before the master when remuneration fixed—Procedure—R.S.C., Ord. 51, r. 3. **Heller v. Wolfe,** Roxburgh J. [1952] W.N. 427; [1952] 2 T.L.R. 388; [1952] 2 All E.R. 545.

Sales of freehold and leasehold properties—R.S.C., Ord. 51.
Practice Direction, Ch.D. [1957] 1 W.L.R. 1203.

———— Variation of basic scale.
Practice Direction, Ch.D. [1958] 1 W.L.R. 1279.

Security for costs. (*See also* HUSBAND AND WIFE (**Divorce**); LEGAL AID (**Costs**).)

Form

"Enter into" good and sufficient security—Bond not necessary—Deposit of cash—Appeal to Privy Council. **United Africa Co. Ld. v. Saka Owoade,** J.C. [1955] A.C. 130; [1955] 2 W.L.R. 13.

Separate trials. *See* LIBEL AND SLANDER.

Sequestration. *See* BANKRUPTCY; SEQUESTRATION.

Service. *See* WRIT.

Set-off

Equitable set-off

Building contract—Action for failure to complete works—Claim to set-off on quantum meruit for extra work—Trespass to tools—Court of Judicature (Consolidation) Act, 1925, s. 39 (1)—R.S.C., Ord. 19, r. 3.
Hanak v. Green, C.A. [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755.

Settlement of action. (*See also* **Discontinuance.**)

Duty to inform Crown Office

Duty on all parties—R.S.C., Ord. 36, r. 29 (6).
Williamson v. British Boxing Board of Control (1929), Devlin J. [1958] 1 W.L.R. 539.

Enforcement

Action settled by consent on terms indorsed on counsels' briefs—No order of court—Non-compliance by one party with terms of settlement—Jurisdiction to enforce settlement—Informal settlement of actions—Form of order—"Tomlin" order.
Green v. Rozen, Slade J. [1955] 1 W.L.R. 741.

Gold Coast—Supreme Court—Concurrent jurisdiction with native courts—Consent order—"Judgment"—Execution—Discretion—No power to review consent order.
Anima v. Akwasi Ahyeye, J.C. [1956] A.C. 404; [1956] 2 W.L.R. 299.

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Admiralty

Limitation decree—Defect in decree—Amendment—R.S.C., Ord. 28, r. 11.
The Liverpool, Karminski J. [1959] 1 W.L.R. 297.

Costs

Failure to make order for costs of one party—R.S.C., Ord. 28, r. 11.
In re **Marly Laboratory Ltd.'s Application,** C.A. [1952] W.N. 195; [1952] 1 All E.R. 1057.

Stay of proceedings. (*See also* **Arbitration**; CONFLICT OF LAWS; MAINTENANCE OF SUIT.)

Action against company in voluntary liquidation

Action for wrongful dismissal—Application by liquidator to stay action—Substantial dispute as to amount of damages—Whether a matter to be determined in the liquidation—Whether any advantage gained by stay of proceedings—Discretion of court.
Cook v. "X" Chair Patents Co. Ltd., Wynn-Parry J. [1960] 1 W.L.R. 60.

Bill before Parliament affecting issues

Court not concerned with pending legislation—Stay refused.
Willow Wren Canal Carrying Co. Ltd. v. British Transport Commission, Upjohn J. [1956] 1 W.L.R. 213.

Lis alibi pendens

Collision—Motion to stay proceedings—Jurisdiction of foreign court founded by arrest of vessel in same ownership.
The Marinero, Willmer J. [1955] P. 68; [1955] 2 W.L.R. 607.

Submission to foreign court

Both parties strangers to foreign court—Refusal of stay.
The Fehmarn, Willmer J. [1957] 1 W.L.R. 815.
C.A. [1958] 1 W.L.R. 159.

Striking out proceedings. *See* **Parties**; **Pleadings.**

Submission of no case

Divorce. *See* HUSBAND AND WIFE.

PRACTICE—*continued.*

Submission of no case—*continued.*

Election

Right of appellate court to order rehearing.
Storey v. Storey, C.A. [1960] 3 W.L.R. 653.

Jury, civil action

Submission of no evidence—Time for making—Issue left by judge to jury—Verdict for plaintiff—Submission thereafter of no evidence to support jury's finding.
Grinsted v. Hadrill, C.A. [1953] 1 W.L.R. 696.

Justices. See HUSBAND AND WIFE.

Submission to jurisdiction. *See* CONFLICT OF LAWS (**Infant; Sovereign immunity**).

Subpoena duces tecum

Late service

Whether ground for setting aside.
Auten v. Rayner (No. 2), Glyn-Jones J. [1960] 1 Q.B. 669; [1960] 2 W.L.R. 562.

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Summary procedure under Order 14

Affidavit in support of application

Application to sign judgment under Ord. 14, r. 1 (*a*)—Plaintiff assignee of debt—Sufficiency of supporting affidavit—Whether defects curable by supplementary affidavits—Failure to verify assignment in affidavit—Whether cured by production of assignment—R.S.C., Ord. 14, rr. 1, 2.
Les Fils Dreyfus et Cie Société Anonyme v. Clarke, C.A. [1958] 1 W.L.R. 300.

Fatal accident

Action under Fatal Accidents Acts—Procedure—Applicability of R.S.C., Ord. 14—Sufficiency of affidavit in support of order.
Dummer v. Brown, C.A. [1953] 1 Q.B. 710; [1953] 2 W.L.R. 984.

Order 14B

Conditional leave to defend granted by master—Order reversed by judge—Unconditional leave to defend—Remedies under Order 14 and Order 14B not concurrent—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*c*)—R.S.C. Ord. 3, r. 6, Ord. 14, r. 1 (*a*), Ord. 14B, rr. 1, 2 (1).
Commrs. of Customs and Excise v. Anco Plant and Machinery Co. Ltd.,
C.A. [1956] 1 W.L.R. 1048.

Part of claim

Final judgment signed under Order 14, r. 1, in respect of part of claim—Plaintiff not entitled to apply for judgment under Order 14, r. 1, in respect of balance of claim—R.S.C., Ord. 3, r. 6; Ord. 14, rr. 1, 4. **Stainer v. Tragett,** C.A. [1955] 1 W.L.R. 1275.

Specific performance

Alternative claim for damages—Agreement to purchase or to find a purchaser for shares in limited company—"Property" including shares—"Purchase"—R.S.C., Ord. 14A.
Woodlands v. Hinds, Vaisey J. [1955] 1 W.L.R. 688.

Contract for consideration other than cash—Meaning of "sale or purchase" in R.S.C., Ord. 14A.
Robshaw Brothers Ltd. v. Mayer, Upjohn J. [1957] 1 Q.B. 125; [1956] 3 W.L.R. 1049.

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Counsel's right to make further submission.
Ramsey v. Ramsey, Davies J. [1956] 1 W.L.R. 542.

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Expert evidence

Liberty to call surveyors on term that statements be exchanged 14 days before trial—Plans and documents used in connexion with statements also to be exchanged—Shipping—Collision—R.S.C., Ord. 30. **The Planter,** Willmer J. [1955] 1 W.L.R. 898.

Robust order

Action for personal injuries—Medical reports—Privileged documents—No power in court to order exchange—R.S.C., Ord. 30, r. 6 (4).
Worrall v. Reich, C.A. [1955] 1 Q.B. 296; [1955] 2 W.L.R. 338.

Setting down action for trial

Chancery Division—Standing over of part of order concerning fixing of place and mode of trial until after discovery—R.S.C. Ord. 30, rr. 1, 2; R.S.C., Ord. 36.
Southey-Roberts Estates Ltd. v. Roe. (Practice Note),
Upjohn J. [1956] 1 W.L.R. 946.

Tender. *See* **Payment into court.**

Title of proceedings. (*See also* **Chancery Division.**)

Plaintiffs "trustees of estate"

Change in trusteeship. **Routh's Trustees v. Central Land Board,** C.A.
[1960] 1 W.L.R. 737.

Whether appropriate—Revenue appeal.
Tollemache Settled Estates Trustees v. Coughtrie, C.A. [1960] Ch. 475;
[1960] 2 W.L.R. 825.

PRACTICE—*continued.*

Transfer of proceedings. (*See also* COUNTY COURT (**High Court**).)

Administration pending

Locus standi—Order for administration made in the Chancery Division—Action against executors in Queen's Bench Division—Transfer of action to Chancery Division—Motion to discharge order of transfer—Plaintiff in action not party to administration proceedings—Locus standi of plaintiff—R.S.C., Ord. 49, r. 5.
In re **Capelovitch, decd.,** Upjohn J. [1957] 1 W.L.R. 102.

Transport Arbitration Tribunal

Further and better particulars

Compensation for total or partial cessation of business—Average net annual profit—Particulars to be ordered. **Practice Note,** Transport Arbitration Trib. [1951] W.N. 12.

Trial. (*See also* **Chancery Division.**)

Appropriate list

Short Non-Jury List—Case improperly retained in—Duty of solicitors—R.S.C., Ord. 36, r. 29 (6). **Ibbs v. Holloway Brothers Ltd.,** Devlin J. [1952] W.N. 53; [1952] 1 T.L.R. 147; [1952] 1 All E.R. 220.

Date

Certificate for speedy trial—Not binding on judge in charge of list—Unfettered discretion of judge—R.S.C., Ord. 36, r. 1A.
Baron v. Baron, C.A. [1952] W.N. 453; [1952] 2 All E.R. 689.

Chancery Division—Originating summonses and motions with witnesses—Appearance in warned list—Effect—Procedure relating to witness actions.
Practice Direction (Day for Trial), Ch.D. [1953] 1 W.L.R. 894.

Fixed dates. **Practice Direction,** Q.B.D. [1958] 1 W.L.R. 1291.

Non-jury actions—Fixed dates—Delay—Mitigation.
Practice Direction, Q.B.D. [1957] 1 W.L.R. 558.

——— ——— Procedure for fixing date for trial.
Practice Direction, Q.B.D. [1957] 1 W.L.R. 183.
Practice Direction, Q.B.D. [1958] 1 W.L.R. 1291.

Estimated length

Duty of counsel, clerks and solicitors to inform Clerk of the Lists of developments affecting probable length of case—R.S.C., Ord. 36, r. 9 (2).
Practice Direction, Q.B.D. [1959] 1 W.L.R. 258.

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Mode of trial

Damages for breach of contract—Direction on plaintiff's application that liability be determined by judge and quantum of damages subsequently by official referee—Discovery as to damages to be deferred until liability established—No sufficient demarcation of the issues as pleaded—Separation impracticable and inconvenient—R.S.C., Ord. 36, r. 7. **Polskie Towarzystwo, etc., "Elektrim" v. Electric Furnace Co. Ltd.,** C.A. [1956] 1 W.L.R. 562.

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Non-jury list—Case in week's list—Application to judge in charge of list necessary.
Practice Direction, Q.B.D. [1957] 1 W.L.R. 439.

Private audience with judge. See OPEN COURT.

Right to open

Registered design—Action to restrain threats—Threats admitted by defendants—Defence of infringement—Counterclaim.
W. Lusty & Sons Ld. v. Morris Wilkinson & Co. (Nottingham) Ld., Lloyd-Jacob J. [1954] 1 W.L.R. 911.

Separate trials. See LIBEL AND SLANDER.

Submission of no case. See **Submission.**

Venue

Transfer of action from London to Palatine Court after date of hearing in London fixed—Power of district registrar and of court to order transfer—Motion to discharge district registrar's order—Court of Chancery of Lancaster Act, 1952, s. 1.
Fullerton v. Ryman, Upjohn J. [1956] 1 W.L.R. 428.

View by judge. See CRIME; EVIDENCE.

Trustee, proceedings by. *See* TRUSTS.

Vexatious litigant

Matters to be taken into consideration

"Instituted . . . legal proceedings"—Meaning—Multifarious proceedings over 24 years arising out of same claim—Supreme Court of Judicature (Consolidation) Act, 1925, s. 51 (1). *In re* **Vernazza,** Divl.Ct. [1959] 1 W.L.R. 622.
C.A. [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135.
H.L.(E.) [1960] 1 W.L.R. 139 (pets. dis. and all.)

Order prohibiting him from instituting proceedings without leave of court

Appeal—Subsequent Act empowering court to make orders covering continuing proceedings—Proceedings already begun by vexatious litigant—Jurisdiction of Court of Appeal to

PRACTICE—*continued.*

Vexatious litigant (*Order prohibiting him from instituting proceedings without leave of court*)—*continued.*

make order prohibiting their continuance without leave—Supreme Court of Judicature (Consolidation) Act, 1925, s. 51 (1)—Supreme Court of Judicature (Amendment) Act, 1959, s. 1 (1).
Attorney-General v. Vernazza, H.L.(E.) [1960] A.C. 965; [1960] 3 W.L.R. 466.

Winding up. *See* COMPANY.

Writ

Failure to serve within 12 months

Application for renewal out of time—Defendant deprived of defence of limitation by renewal—Jurisdiction of court—Discretion of court—R.S.C., Ord. 8, r. 1; Ord. 64, r. 7.
E. Ltd. v. C., Roxburgh J. [1959] 1 W.L.R. 692.

Order for renewal indorsed on affidavit prior to last day for renewal—Writ resealed after last day for renewal—Renewal effected by resealing—Indorsement on affidavit insufficient to keep writ alive—R.S.C., Ord. 8, r. 1; Ord. 28, r. 11.
Duchin v. Swanage Urban District Council. Same v. Dorset County Council, Havers J. [1954] 2 Q.B. 308; [1954] 3 W.L.R. 407.

Whether writ a nullity—Effect of unconditional appearance—R.S.C., Ord. 8, r. 1; Ord. 70, r. 1. **Sheldon v. Brown Bayley's Steel Works Ltd. and Dawnays Ltd.,** Barry J. [1953] 1 W.L.R. 875; C.A. [1953] 2 Q.B. 393; [1953] 3 W.L.R. 542.

Indorsement. (*See also* FATAL ACCIDENTS ACT.)

Claim for wrongful withdrawal of support—Statement of claim—Alternative claim in trespass and in negligence—Whether new cause of action—Limitation Act, 1939, s. 21 (1)—R.S.C., Ord. 2, r. 1; Ord. 3, rr. 1, 2, 3; Ord. 20, r. 4.
Graff Brothers Estates Ld. v. Rimrose Brook Joint Sewerage Board, C.A. [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419.

Defective—Issue of writ within limitation period—Indorsement defective—Issue of writ with statement of claim curing defect after expiry of period—Validity of writ—Limitation Act, 1939, s. 21.
Hill v. Luton Corporation, Devlin J. [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028.

"Liquidated demand"—Claim for money fraudulently converted, or tracing order—Judgment in default of appearance—Whether claim for "liquidated demand"—Whether "liquidated demand only"—R.S.C., Ord. 3, r. 7; Ord. 13, r. 3.
G. L. Baker Ltd. v. Barclays Bank Ltd., C.A. [1956] 1 W.L.R. 1409.

Leave to issue. (*See also Writ of possession.*)

Position pending leave—Application for interim relief—Injunction—Jurisdiction—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45.
Winstone v. Winstone, Winn J. [1960] P. 28; [1959] 3 W.L.R. 660.

Service on company

Limited company—Service by registered post—Whether served "by post"—Companies Act, 1948, s. 437. **T. O. Supplies (London) Ltd. v. Jerry Creighton Ltd.,** Devlin J. [1952] 1 K.B. 42; [1951] 2 T.L.R. 993; [1951] 2 All E.R. 992

Service on foreign company

Action by Commissioners of Customs and Excise for order of condemnation—Notice of claim by London solicitors acting on behalf of foreign company—Writ later served on solicitors by Commissioners—Solicitors no longer acting—Whether valid service—Customs and Excise Act, 1952, Sched. 7, paras. 3, 4—R.S.C., Ord. 13, r. 2.
Commissioners of Customs and Excise v. I.F.S. Irish Fully Fashioned Stockings Ltd., Ashworth J. [1957] 1 W.L.R. 397.

Whether "any place of business established . . . in Great Britain"—Service after business within jurisdiction (if any) ceased.
Deverall v. Grant Advertising Inc., C.A. [1955] Ch. 111; [1954] 3 W.L.R. 688.

Service out of jurisdiction

Contract—Alleged breach of contract within jurisdiction—Standard of proof as to breach for leave to serve writ—R.S.C., Ord. 11, rr. 1 (*e*), 4.
Vitkovice Horni a Hutni Tezirstvo v. Korner, H.L.(E.) [1951] A.C. 869; [1951] 2 T.L.R. 188; [1951] 2 All E.R. 334.

———— Cargo to be shipped to safe port in United Kingdom at holders' option—Option to be declared before arrival of ship off Land's End—Sinking of ship before opportunity to declare option—Whether breach of contract for non-delivery within jurisdiction—R.S.C., Ord. 11, r. 1 (*e*).
Cuban Atlantic Sugar Sales Corpn. v. Compania de Vapores San Elefterio Limitada, C.A. [1960] 2 W.L.R. 26; [1960] 1 Q.B. 187.

———— Contract by agent in jurisdiction—Charterparty signed by owners' agents in London—Bill of lading signed in Greece—Claim by consignees under bill of lading—R.S.C., Ord. 11, r. 1 (*e*) (ii). **The Metamorphosis,** Karminski J. [1953] 1 W.L.R. 543.

———— Subsequent variation—Effect on where made—R.S.C., Ord. 11, r. 1 (*e*) (i).
Entores Ld. v. Miles Far East Corporation, C.A. [1955] 2 Q.B. 327; [1955] 3 W.L.R. 48.

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Contract or tort—Action by servant against master for personal injuries—R.S.C., Ord. 11, r. 1 (*e*).
Matthews v. Kuwait Bechtel Corpn., C.A. [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702.

Quasi-contract—Transfer of assets by bankrupt two months before act of bankruptcy—Claim against transferees by trustee in bankruptcy—Claim quasi-contractual—Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59)—R.S.C., Ord. 11, r. 1 (*e*).
Rousou's (A Bankrupt) Trustee v. Rousou, Danckwerts J. [1955] 1 W.L.R. 545.

Specially indorsed writ

Claim to possession—Claim supported by previous decision of Court of Appeal—No appeal to House of Lords pending—Defendant given leave to defend—Consequent saving of time and costs. **Public Trustee v. Dierken**, C.A. [1951] W.N. 290.

Statement of claim—No signature shown on copy writ served on defendant—Appearance entered—Whether writ duly served—R.S.C., Ord. 3, r. 6; Ord. 14, r. 1; Ord. 19, r. 4.
Fick & Fick Ltd. v. Assimakis, C.A. [1958] 1 W.L.R. 1006.

Writ of possession for recovery of land

Application for leave to issue—Rent Act information—R.S.C., Ord. 47, r. 1.
Practice Direction (Writ of Possession), Q.B.D. [1955] 1 W.L.R. 1314.

PREROGATIVE. *See* CROWN.

PRESCRIPTION

See EASEMENT; LIMITATION OF ACTION.

PRESUMPTION. (*See also* BURDEN OF PROOF.)

Administration of estates

Devastavit

Action by landlord against executrix—No plea of plene administravit—Judgment for possession, mesne profits and costs—Execution—Return of nulla bona testoris—Executrix carrying on business of testatrix—Asset exhausted—Second action brought by plaintiff against executrix—Plea of plene administravit—Whether presumption of devastavit rebutted. **Marsden v. Regan**, C.A. [1954] 1 W.L.R. 423.

Adultery. (*See also* HUSBAND AND WIFE.)

Inclination and opportunity

Justices. **England v. England**, Divl.Ct. [1953] P. 16; [1952] 2 T.L.R. 705; [1952] 2 All E.R. 784.

Advancement. *See* ADVANCEMENT.

Age of child-bearing

Trust

Shares in company vested in trustees—Interlocutory motion by beneficiaries to direct trustees' method of voting—No order of court to presume beneficiaries past age of child-bearing. *In re* **George Whichelow Ld.**, Upjohn J. [1954] 1 W.L.R. 5.

Commercial agreement. (*See also* CONTRACT (**Termination**).)

Determination

No provision for determination—Whether presumption of permanence—Contract determinable on reasonable notice.
Martin-Baker Aircraft Co. Ld. v. Canadian Flight Equipment Ld., McNair J. [1955] 2 Q.B. 556; [1955] 3 W.L.R. 212.

Death

Long absence

Desertion by husband—Not heard of for 25 years—No inquiries.
In re **Watkins, decd.**, Harman J. [1953] 1 W.L.R. 1323.

Family Provision—Hearsay evidence of death of plaintiff's first husband—Subsequent marriage of plaintiff to testator—Effect of marriage certificate.
In re **Peete, decd.**, Roxburgh J. [1952] W.N. 306; [1952] 2 T.L.R. 383; [1952] 2 All E.R. 599.

Lack of evidence of previous husband's existence or death—No inquiries made—Onus of proof.
Bradshaw v. Bradshaw, Divl.Ct. [1956] P. 274n.; [1955] 3 W.L.R. 965.

Presumptions of continuance of life and of death—Both presumptions of fact.
Chard v. Chard (*orse.* **Northcott**), Sachs J. [1955] 3 W.L.R. 954.

Presumption of death and dissolution of marriage—Continual absence for seven years—No reason to believe other party living within that time.
Thompson v. Thompson, Sachs J. [1956] P. 414; [1956] 2 W.L.R. 814.

Spouse not heard of for 14 years despite police inquiries—Subsequent marriage—Present spouse aware of circumstances when marrying—Whether estopped from later alleging marriage bigamous. **Bullock v. Bullock**, Divl.Ct. [1960] 1 W.L.R. 975.

Foreign law

Same as English law

Jurisdiction of foreign court.
The Marinero, Willmer J. [1955] P. 68; [1955] 2 W.L.R. 607.

PRESUMPTION—*continued.*

Industrial injury

In course of employment

Deemed to arise out of employment—National Insurance (Industrial Injuries) Act, 1946, s. 7 (4). **Reg. v. National Insurance (Industrial Injuries) Commissioner. *Ex p.* Richardson,** Divl.Ct. [1958] 1 W.L.R. 851.

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Intention

Constructive desertion

Proof of intention—Rebuttable—Intention from conduct not rebutted by co-existing desire that spouse should remain—Conflicting "intention" and "desire"—Marriage Act, No. 3726 of 1928 (Victoria), ss. 75, 77.
Lang v. Lang, J.C. [1955] A.C. 402; [1954] 3 W.L.R. 762.

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Natural and probable consequence of acts

Cruelty to wife. **Wright v. Wright,** C.A. [1960] P. 85; [1960] 2 W.L.R. 499.

Homicide. **Reg. v. Smith,** C.C.A. [1960] 2 Q.B. 423; [1960] 3 W.L.R. 92.
Sub nom. **Director of Public Prosecutions v. Smith,** H.L.(E.) [1961] A.C. 290; [1960] 3 W.L.R. 546.

Legality

Agricultural Land Tribunal

Appointment of nominated members—Appointment by servant of Minister acting as secretary of tribunal.
Woollett v. Minister of Agriculture and Fisheries, Stable J. [1954] 1 W.L.R. 1149.
C.A. [1955] 1 Q.B. 103; [1954] 3 W.L.R. 776.

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Director of Public Prosecutions v. Head, C.C.A. [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862.
H.L.(E.) [1959] A.C. 83; [1958] 2 W.L.R. 617.

Marriage. (*See also* HUSBAND AND WIFE.)

Validity. **Hill v. Hill,** J.C. [1959] 1 W.L.R. 127.

Will

Attestation—Proof—Signatures on back of will.
In the Estate of Denning, decd., Sachs J. [1958] 1 W.L.R. 462.

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Occupier

Change of condition of premises

Whether effected by occupier.
Smith v. Austin Lifts Ltd., H.L.(E.) [1959] 1 W.L.R. 100.

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Chattels on land

Husband and wife—Death of both—Hidden banknotes in matrimonial home.
In re **Cohen, decd.,** Vaisey J. [1953] Ch. 88; [1953] 1 W.L.R. 303.

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Law of flag. **The Assunzione,** Willmer J. [1953] 1 W.L.R. 929; C.A. [1954] P. 150; [1954] 2 W.L.R. 234.

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PRIVATE INTERNATIONAL LAW
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Death of appellant during hearing—Procedure for revivor—Judicial Committee Rules, 1925, r. 51. **Practice Note (Privy Council),** J.C. [1953] 1 W.L.R. 1.

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Application of rule

Functions of Advocates Committee.
Bhandari v. Advocates Committee, J.C. [1956] 1 W.L.R. 1442.

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Hasham v. Zenab, J.C. [1960] A.C. 316; [1960] 2 W.L.R. 374.

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Stool of Abinabina v. Chief Kojo Enyimadu, J.C. [1953] A.C. 207; [1953] 2 W.L.R. 261.

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General rule. **Conteh v. The Queen,** J.C. [1956] A.C. 158; [1956] 2 W.L.R. 277.
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Unnecessary expense

Inclusion of irrelevant matter in record—Cost of printing deducted from costs.
Practice Note, J.C. [1958] 1 W.L.R. 39.

Fact, question of. (*See also* **Concurrent findings.**)

Appeal from disciplinary tribunal

Principles applicable—Dentists Act, 1957, s. 29.
Felix v. General Dental Council, J.C. [1960] A.C. 704; [1960] 2 W.L.R. 934.

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Karikari v. Agyekum II, J.C. [1955] A.C. 640; [1955] 3 W.L.R. 125.

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Appeal by Crown—No express renunciation of right of appeal.
Att.-Gen. of Ceylon v. Perera, J.C. [1953] A.C. 200; [1953] 2 W.L.R. 238.

Essential principle of justice. **Zakos v. The Queen,** J.C. [1956] 1 W.L.R. 1162.

Essential principle of justice infringed—Board will not otherwise interfere.
Subramaniam v. Public Prosecutor, J.C. [1956] 1 W.L.R. 965.

Failure to appeal first to final court appeal of colony.
Kenyatta v. The Queen (Practice Note), J.C. [1954] 1 W.L.R. 1053.

Election petition

Ceylon—Lack of jurisdiction of election judge—No right of appeal to Judicial Committee—Ceylon (Parliamentary Elections) Order-in-Council, 1946 (as amended by Parliamentary Elections (Amendment) Act, No. 19, 1948, s. 3), ss. 81, 82, 82A, 82B, 82C, 82D.
Senanayake v. Navaratne, J.C. [1954] A.C. 640; [1954] 3 W.L.R. 336.

"*Judicial proceedings*"

Canada—Act abolishing appeals to Privy Council—Saving for "judicial proceeding" commenced before coming into force of Act—Notices of appeal and dissatisfaction with tax assessment—Whether "judicial proceeding"—Supreme Court Amendment Act, S.C. 1949 (2nd Sess.), c. 37, ss. 3, 7—Income War Tax Act, R.S.C. 1927, c. 97, ss. 58, 59, 60, 63, 66, 69—Supreme Court Act, R.S. 1952, c. 259, s. 2 (*e*).
St. Catharines Flying Training School Ltd. v. Minister of National Revenue, J.C. [1956] 1 W.L.R. 1336.

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Point of law not taken below

Alternative submission on construction of contract—Point which could not be met by further evidence. **Hong Guan & Co. Ltd. v. R. Jumabhoy & Sons Ltd.,** J.C. [1960] A.C. 684; [1960] 2 W.L.R. 754.

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Professional discipline

Appeal from General Medical Council—Powers and duties of Board.
Fox v. General Medical Council, J.C. [1960] 1 W.L.R. 1017.

Whether appeal rehearing—Dentists Act, 1957, s. 29.
Felix v. General Dental Council, J.C. [1960] A.C. 704; [1960] 2 W.L.R. 934.

Special jurisdiction of court below

Proceedings to disqualify elected member of Legislative Council—Trinidad and Tobago (Constitution) Order in Council, 1950 (as amended), s. 40 (1).
Patterson v. Solomon, J.C. [1960] A.C. 579; [1960] 2 W.L.R. 685.

Union of benefices

Jurisdiction to consider proposed scheme *de novo* and on its merits—Union of Benefices Measure, 1923, s. 10 (3) (5)—Pastoral Reorganisation Measure, 1949, s. 3 (2).
Little Leigh Parochial Church Council v. Church Comrs., J.C. [1960] 1 W.L.R. 567.

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"Value"

Value of the property the determining factor—Eastern African (Appeal to Privy Council) Order in Council, 1951, art. 3 (*a*).
Meghji Lakhamshi & Brothers v. Furniture Workshop, J.C. [1954] A.C. 80; [1954] 2 W.L.R. 159.

Leave to appeal

Jurisdiction of local court

"Civil suit or action"—Ceylon—Order of Commissioner for Registration of Indian and Pakistani residents—Appeal to Supreme Court—Court's discretion to grant leave to appeal to Privy Council—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, s. 15—Appeals (Privy Council) Ordinance (Legislative Enactments of Ceylon, 1938, c. 85), s. 3, Sch., r. 1 (*b*)—Ceylon Charter of Justice, 1833, s. 52.
Tennekoon v. Duraisamy, J.C [1958] A.C. 354; [1958] 2 W.L.R. 994.

Trinidad and Tobago—Decision of Supreme Court on appeal from court of summary jurisdiction—Jurisdiction to grant leave to appeal to Privy Council—Order in Council, April 2, 1909, r. 2.
Port of Spain Corpn. v. Gordon, Grant & Co. Ld., J.C. [1955] A.C. 389; [1955] 2 W.L.R. 723.

Special leave

Whether gift falling into possession charitable—40 years after judgment.
Davies v. Perpetual Trustee Co. (Ltd.), J.C. [1959] A.C. 439; [1959] 2 W.L.R. 673.

Reasons for judgment below

Whether necessary

Judicial Committee Rules, 1925, r. 16—Interpretation.
Practice Note, J.C. [1952] W.N. 534.

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Evidence illegally obtained

Evidence admissible—Appeal dismissed—Facts called to attention of Secretary of State.
Kuruma v. The Queen, J.C. [1955] A.C. 197; [1955] 2 W.L.R. 223.

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PROBATE. (*See also* ADMINISTRATION; EXECUTOR AND ADMINISTRATOR; WILL.)

Administration, grant of

Ambiguous will

Application by persons claiming as beneficiaries—Power of Probate judge to construe will—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162.
In the Estate of Last, decd., Karminski J. [1958] P. 137; [1958] 2 W.L.R. 186.

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Practice Direction, Probate [1959] 1 W.L.R. 729.

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Further grant—Inspection of power of attorney.
Practice Direction, Probate [1957] 1 W.L.R. 464.

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Grants to trust corporations and other corporate bodies—Grant to nominee of non-trust corporation—Non-contentious Probate Rules, 1954, r. 34 (3).
Practice Direction (Grant to Trust Corporation), Probate [1956] 1 W.L.R. 127.

Domicile abroad

Applicant, of

South Africa—Province to be specified. **Practice Direction,** Probate [1952] W.N. 446.

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Application—Affidavit of law—Non-Contentious Probate Rules, 1954, r. 29.
Practice Direction, Probate [1957] 1 W.L.R. 462.

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Practice Direction, Probate [1951] W.N. 167.

——— Spanish will.
Practice Direction (Spanish Wills), Probate [1953] 1 W.L.R. 459.

Choice of administrator—Applicability of foreign law—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162—Administration of Justice Act, 1928, s. 9.
In the Goods of **Kaufman, decd.,** Lord Merriman P. [1952] P. 325; [1952] 2 All E.R. 261.

——— Probate granted by court of domicile—English court follows court of domicile.
In the Estate of Yahuda, decd., Karminski J. [1956] P. 388; [1956] 3 W.L.R. 20.

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Domicile abroad (*Deceased, of*)—*continued.*

Foreign State, to—Estate in England—Intestacy—State's claim to property—Capacity in which claim made—Grant to foreign State.
In the Estate of **Maldonado, decd.,** Barnard J. [1953] 3 W.L.R. 204. C.A. [1954] P. 223; [1954] 2 W.L.R. 64.

Foreign will

Not applicable to English property—Valid Belgian will disposing of all property—Subsequent partial revocation by English will dealing only with English property—Belgian will dealing with no English property—Whether admissible to probate—Administration of Justice Act, 1932, s. 2 (1).
In re **Wayland, decd.,** Pearce J. [1951] W.N. 604; [1951] 2 All E.R. 1041.

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Possibility of minority or life interest arising—Power to appoint sole administrator—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 160 (1), 163 (1).
In the Estate of Lindley, decd., Wallington J. [1953] P. 203; [1953] 3 W.L.R. 168.
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Compromise of action

Recalcitrant party

All parties concerned informed of terms—Terms signed by all parties cited except one—Refusal by that party cited to sign—Rights or claims however specifically waived—Power of court to order he be bound by terms—R.S.C., Ord. 16, r. 9A.
In the Estate of Tame, decd., Karminski J. [1956] 1 W.L.R. 762.

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Contested probate action

Will duly executed by testator—Contemporaneous declarations by testator that will did not represent his wishes—Whether conduct of testator caused litigation—Whether unsuccessful litigant misled as to testator's intentions entitled to costs out of estate—Unsuccessful plea of undue influence—Rules and exceptions to rules of practice as to costs in probate actions. *In re* **Cutcliffe's Estate,** C.A. [1959] P. 6; [1958] 3 W.L.R. 707.

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Cleave v. Attorney-General, Karminski J. [1952] P. 374; [1952] 2 T.L.R. 174; [1952] 2 All E.R. 283.

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Bill to show item numbers—Supreme Court Costs Rules, 1959, Appendix 2.
Practice Direction, Probate [1960] 1 W.L.R. 125.

Death, proof of. (*See also* PRESUMPTION.)

Leave to swear death

Supreme Court of Judicature (Consolidation) Act, 1925, s. 162.
Practice Direction (Probate Grants), Prob. [1954] 1 W.L.R. 854.

Enemy property

Applications for representation

Procedure. **Practice Direction,** Probate [1951] W.N. 300.

Estates not exceeding £2,000

Practice

Grants under Court of Probate Act, 1857, s. 73, and Supreme Court of Judicature (Consolidation) Act, 1925, s. 162. **Practice Note** [1951] W.N. 141.

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In the Estate of Nuttall, decd., Prob. [1955] 1 W.L.R. 847.

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In re **R., decd.,** Willmer J. [1951] P. 10.

Probate judge, vesting in

No personal representative constituted

Vesting of estate in probate judge—Securities deposited by deceased to secure a debt—Application by creditor for order vesting securities in official solicitor—Whether probate judge a trustee—Trustee Act, 1925, s. 51 (1)—Administration of Estates Act, 1925, s. 9. *In re* **Deans, decd.,** Wynn-Parry J. [1954] 1 W.L.R. 332.

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Judicature fee stamps—Impressed not adhesive.
Practice Direction (Judicature Fee Stamps), Probate [1957] 1 W.L.R. 1142.

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Grant—Confirmation—Resealing at Principal Probate Registry—Provision of copies for deposit. **Practice Direction (Resealing),** Prob. [1954] 1 W.L.R. 1046.

Northern Ireland

Resealing English grants in Northern Ireland. **Practice Note (Probate),** Probate [1956] 1 W.L.R. 769.

Retrospective, whether

Actions—Letters of administration granted to plaintiff in Northern Ireland—Action begun in England "as administratrix"—Subsequent re-sealing of Irish grant of administration in England—Re-sealing having no retrospective effect—Action not properly constituted and proceedings a nullity—Supreme Court of Judicature (Consolidation) Act, 1925, s. 169. **Burns v. Campbell,** C.A. [1952] 1 K.B. 15; [1951] 2 T.L.R. 1007; [1951] 2 All E.R. 965.

Revocation

Former administrator

Grant of administration terminated by order of the court—Former administrator liable to render inventory and account under the Administration of Estates Act, 1925, s. 25. *In the Estate of* **Thomas, decd. (Practice Note),** Karminski J. [1956] 1 W.L.R. 1516.

Incapacity of representatives

Administratrix and sole beneficiary alleged to be unfit for duties of administrator—Mental and physical underdevelopment—Application by relatives for administration by bank—Court's jurisdiction to protect beneficiary's interests—Supreme Court of Judicature Act, 1925, s. 162—Administration of Justice Act, 1928, s. 9. **In the Goods of Edwards-Taylor, decd.,** Willmer J. [1951] P. 24.

Evidence—Mental or physical incapacity—Non-Contentious Probate Rules, 1954, r. 33. **Practice Direction,** Probate [1958] 1 W.L.R. 791.

Executors unable to carry out duties due to infirmities—Grant of letters of administration de bonis non. **In the Goods of Galbraith,** Karminski J. [1951] P. 422; [1951] 2 T.L.R. 412; [1951] 2 All E.R. 470.

Misconduct

Alleged failure to disclose certain assets—Revocation refused. **In the Estate of Cope, decd.,** Collingwood J. [1954] 1 W.L.R. 608.

Summons

Counsel summons

Hearing. **Practice Direction (Summonses),** Probate [1953] 1 W.L.R. 474.

Trial of action

Cross-examination

Allegation of want of knowledge and approval—No allegation of fraud—Evidence of solicitor supporting will—Cross-examination suggesting inference of fraud. **Wintle v. Nye,** H.L.(E.) [1959] 1 W.L.R. 284.

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Application for leave to set down as. **Practice Note,** Probate [1952] W.N. 42.

Trial by judge

Grants of administration on the ground of spes successionis. **Practice Note,** Probate [1952] W.N. 42.

PROBATION ORDER

See CRIME (**Sentence**).

PROCEDURE

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PROFIT A PRENDRE

Game

Reservation of game, rabbits, etc.

Grant of rabbiting rights by landlord—Interference by tenant—Equitable title to profit à prendre—Possession—Exercise of right—Laying snares in open fields—Reasonable exercise. **Mason v. Clarke,** C.A. [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48. H.L.(E.) [1955] A.C. 778; [1955] 2 W.L.R. 853.

PROFITS TAX

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PROHIBITION
See Crown Practice.

PROSTITUTION. *See* Metropolis; Nuisance; Vagrancy.

PROTECTORATE
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PUBLIC AUTHORITY
Contract by. *See* Contract.
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PUBLIC HEALTH. (*See also* Housing.)
Appeal to quarter sessions. *See* Justices.

Child welfare. *See* Children and Young Persons.

Closing order
Rent restriction
Whether premises taken out of protection of Rent Acts—Public Health (London) Act, 1936, Sch. V—Housing Act, 1936, s. 156 (1) (*e*).
Marela Ld. v. Machorowski, C.A. [1953] 1 Q.B. 565; [1953] 2 W.L.R. 831.

Drainage. (*See also* **Sewage**; Land Drainage.)
Garden path
Leading to front and back doors of dwelling-house—Whether "passage giving access "to a house"—Public Health Act, 1936, s. 56 (1).
Bursted Properties Ld. v. Denton Urban District Council, Divl.Ct. [1955] 1 W.L.R. 82.

Food and drugs. *See* Food and Drugs.

Litter
Leaving
Whether depositing and leaving litter continuing offence—Litter Act, 1958, s. 1 (1).
Vaughan v. Biggs, Divl.Ct. [1960] 1 W.L.R. 622.

Nuisance. (*See also* Nuisance.)
Abatement notice
Service—"Owner"—Secretary of owner abroad who paid rents into owner's bank—Public Health Act, 1936, s. 343 (1).
Bottomley v. Harrison, Divl.Ct. [1952] 1 All E.R. 368.

Animal
Statute providing that "animals kept in such a place or manner as to be prejudicial to "health or a nuisance" shall be a statutory nuisance—By-law prohibiting the keeping of noisy animals causing nuisance—Whether ultra vires—"Serious"—Public Health Act, 1936, s. 92—Local Government Act, 1933, s. 249 (4).
Morrissey v. Galer, Divl.Ct. [1955] 1 W.L.R. 110.

Cellar
Cellar-head in pavement—Projection after resetting by local authority—Obligation of frontager to "be kept in good condition and repair"—Whether duty to abate nuisance created by local authority—Public Health Acts Amendment Act, 1890. s. 35 (1).
Penney v. Berry, C.A. [1955] 1 W.L.R. 1021.

Grating in pavement—Liablity of occupier of adjoining premises for repair where grating dedicated as part of highway—Liability for accident arising through non-repair—Public Health Acts Amendment Act, 1890. s. 35 (1).
Macfarlane v. Gwalter, C.A. [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268.

Dwelling-house
Rooms in need of decorative repair—Discomfort and inconvenience—Not injurious to health—Public Health (London) Act, 1936, s. 82 (1) (*a*).
Springett v. Harold, Divl.Ct. [1954] 1 W.L.R. 521.

Smoke
Emission of smoke from hospital chimney—Hospital vested in Minister of Health and providing hospital and specialist services under National Health Service Act, 1946—Complaint issued by local authority against hospital management committee—Whether hospital occupied "for public service of the Crown"—Whether management committee amenable to jurisdiction of justices—National Health Service Act, 1946—Public Health Act, 1936, ss. 103, 106.
Nottingham No. 1 Area Hospital Management Committee v. Owen, Divl.Ct. [1958] 1 Q.B. 50; [1957] 3 W.L.R. 707.

Watercourse
Obstruction of watercourse from nautral causes—Obstruction not due to act or default of landowner—Notice from local authority to abate nuisance—Landowner's responsibility—Public Health Act, 1936, ss. 92, 93, 259.
Neath R.D.C. v. Williams, Divl.Ct. [1951] 1 K.B. 115.

Pests
Prevention of damage by
Rats—Notice specifying steps to be taken—"Poison treatment . . . or other work of a "not less effectual character"—Notice unspecific—Prevention of Damage by Pests Act, 1949, s. 4 (1). **Perry v. Garner,** Divl.Ct. [1953] 1 Q.B. 335; [1953] 2 W.L.R. 271.

PUBLIC HEALTH—*continued.*

Rags

Collection

Sale or delivery of article to person under 14—Whether goldfish an "article"—Public Health Act, 1936, s. 154. **Daly v. Cannon,** Divl.Ct. [1954] 1 W.L.R. 261.

Refuse removal

Dustbins. (*See also* JUSTICES (**Appeal**).)

Notice requiring houseowner to provide dustbin—House occupied by tenant—Owner's appeal to justices—Duty of justices to direct owner or occupier to comply with notice—Public Health Act, 1936, s. 75 (1), (3)—Local Government (Miscellaneous Provisions) Act, 1953, s. 8 (4) (*b*). **Peterborough Corpn. v. Holdich,** Divl.Ct. [1956] 1 Q.B. 124; [1955] 3 W.L.R. 626.

Right of entry

Notice

Sanitary inspector—Twenty-four hours' notice—Letter stating council would execute works—Whether due notice—Public Health Act, 1936, ss. 39, 287 (1), 288, 290 (6). **Stroud v. Bradbury,** Divl.Ct. [1952] W.N. 306; [1952] 2 All E.R. 76.

Sewage. (*See also* **Drainage**; LAND DRAINAGE; NUISANCE (**River pollution**).)

Cost of maintaining sewer

Jurisdiction of county court—Public Health Act, 1936, ss. 24 (1), (3), 293. **Great Yarmouth Corporation v. Gibson** C.A. [1956] 1 Q.B. 573; [1956] 2 W.L.R. 356.

Overflow

Whether local authority liable—Overflow from overcharged sewer—Statutory duty of local authority to permit connexions to sewer—Nuisance—Rylands *v.* Fletcher—Public Health Act, 1936, s. 31. **Smeaton v. Ilford Corporation,** Upjohn J. [1954] Ch. 450; [1954] 2 W.L.R. 668.

Trade effluent

Discharge into sewer—Consent of local authority—Additional premises acquired—Effluent therefrom blended with and discharged with that from old premises—No alteration in character, volume or rate of discharge—Consent not obtained—Public Health (Drainage of Trade Premises) Act, 1937, ss. 2 (1) (2), 4 (1), 14 (1). **Yorkshire Dyeing and Proofing Co. Ld. v. Middleton Borough Council,** Divl.Ct. [1953] 1 W.L.R. 393.

Smoke. *See* **Nuisance.**

PUBLIC POLICY. (*See also* CONTRACT.)

Administration of estates

Manslaughter of testator by wife

Bequest of residue to wife, son and stepson "in equal shares as tenants in common"—Whether wife's share divisible between son and stepson or went as on intestacy—Wills Act, 1837, s. 15. *In re* **Peacock, decd.,** Upjohn J. [1957] Ch. 310; [1957] 2 W.L.R. 793.

Murder of deceased

By next-of-kin—Murder of testatrix by daughter, sole beneficiary under will—Forfeiture of right to take under will—Claims to estate by next-of-kin and Crown. *In re* **Callaway,** Vaisey J. [1956] Ch. 559; [1956] 3 W.L.R. 257.

Husband and wife

Agreement to marry

"Tamquam sororem" condition—Whether void—Elderly parties. **Morgan v. Morgan (orse. Ransom),** Mr. Comr. Latey, Q.C. [1959] P. 92; [1959] 2 W.L.R. 487.

Landlord and tenant

Gold clause

Rent payable "either in gold sterling or Bank of England notes to the equivalent value "in gold sterling." **Treseder-Griffin v. Co-operative Insurance Society Ltd.,** Lord Goddard C.J. [1955] 3 W.L.R. 996; C.A. [1956] 2 Q.B. 127; [1956] 2 W.L.R. 866.

Rent restriction

Promise by tenant to give up possession—Promise by landlord to give valuable consideration—Whether agreement enforceable by landlord. **Rajenback v. Mamon,** Wynn-Parry J. [1955] 1 Q.B. 283; [1955] 2 W.L.R. 21.

Name and arms clause. *See* NAME AND ARMS CLAUSE.

Suicide

Claim for damages by personal representatives and dependants

Law Reform (Miscellaneous Provisions) Act, 1934—Fatal Accidents Acts, 1846–1908. **Pigney v. Pointer's Transport Services Ltd.,** Pilcher J. [1957] 1 W.L.R. 1121.

PUBLIC SERVICE VEHICLE

See ROAD TRAFFIC.

PURCHASE NOTICE

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PURCHASE TAX
See Revenue.

QUANTUM MERUIT

Auctioneer

Commission

Commission payable on "sale before auction"—Instructions by mortgagee to auctioneer to sell houses—Mortgage redeemed before date fixed for sale—Sale by mortgagor.
John Meacock & Co. v. Abrahams, C.A. [1956] 1 W.L.R. 1463.

Building contract. *See* Building.

Master and servant

Remuneration

Employee to be paid by salary and bonus—Method of assessing bonus never agreed—Service terminated—Right of employee to bonus.
Powell v. Braun, C.A. [1954] 1 W.L.R. 401.

Shipping

Freight

Charterparty—Frustrated by blockage of Suez—Claim by shipowners for reasonable remuneration for voyage round Cape.
Société Franco Tunisienne d'Armement v. Sidermar S.P.A., Pearson J. [1960] 3 W.L.R. 701.

Vendor and purchaser

Landlord and tenant

Negotiations subject to contract—Alterations by prospective tenant.
Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

QUARTER SESSIONS
See Crime; Justices.

QUASI-CONTRACT. *See* Restitution.

QUEEN'S BENCH DIVISION. *See* High Court.

QUEEN'S PEACE. *See* Crime (**Conspiracy** (*Abroad*)); Justices (**Peace**).

RAILWAY

Bridge. (*See also* **Powers.**)

"Immediate approaches"

Bridge built by railway company to carry road over railway—Road diverted for 367 yards to connect with bridge—Liability of British Transport Commission to maintain diverted road—Railways Clauses Consolidation Act, 1845, ss. 46, 50.
Monmouthshire County Council v. British Transport Commission, Lord Goddard C.J. [1957] 1 W.L.R. 456; C.A. [1957] 1 W.L.R. 1146.

Carriage of goods

Owner's risk conditions

Goods not delivered owing to "stoppage or restraint of labour"—"Wilful misconduct" of company's servants—Goods sold and proceeds tendered to plaintiffs—Company not liable for loss "except upon proof that the same arose from the wilful misconduct of "the company or their servants"—Company not liable for non-delivery due to "stoppage or restraint of labour"—Whether company liable—Standard Terms and Conditions of Carriage (Conditions "B"), con. 3, 14.
W. Young & Son (Wholesale Fish Merchants) Ld. v. British Transport Commission, McNair J. [1955] 2 Q.B. 177; [1955] 2 W.L.R. 958.

Carriage of passengers. (*See also* Occupier's Liability.)

Season ticket holder

Terms of contract—Injury to ticket holder while about to enter train—Defective condition of platform near train—Duty of Executive to ensure reasonable safety of premises.
Protheroe v. Railway Executive, Parker J. [1951] 1 K.B. 376.

Fencing

Cattle straying

Cattle killed on line—Calves separated from dams—Exceptional force used to break through fence—Whether dams "strayed"—Trespass—Train derailed—Cost of repairs to train and track as damages—Railways Clauses Consolidation Act, 1845, s. 68.
Cooper v. Railway Executive, Devlin J. [1953] 1 W.L.R. 223.

Fire

Damage to agriculture

Sparks damaging agricultural crops—Damages recoverable—Loss of deficiency payments—Railway Fires Act, 1905, s. 1 (1)—Cereals (Deficiency Payments) Order, 1955.
J. Langlands (Swanley) Ltd. v. British Transport Commission, Ormerod J. [1956] 1 W.L.R. 890.

RAILWAY—*continued.*

Level crossing

Accommodation road

Collision between motor-vehicle and train on foggy day—Whether special precautions to be taken by railway authorities and employees.
Hazell v. British Transport Commission, Pearson J. [1958] 1 W.L.R. 177.
Kemshead v. British Transport Commission, C.A. [1958] 1 W.L.R. 173n.

Scope of duties of railway authorities and employees.
Lloyds Bank Ltd. v. British Transport Commission, C.A. [1956] 1 W.L.R. 1279.

Accommodation road or public highway

Statutory duty of Railway Executive—Negligence of executive at common law—Failure to give proper warning to users of crossing.
Lloyds Bank Ltd. v. Railway Executive, C.A. [1952] W.N. 215; [1952] 1 T.L.R. 1207; [1952] 1 All E.R. 1248.

Luggage deposit. *See* BAILMENT (Railway).

Negligence. (*See also* NEGLIGENCE.)

Child

Killed by falling from corridor of guard's van in express train—Internal handle to door—Duty of care to three-year-old child—Whether danger reasonably foreseeable—Whether commission entitled to assume supervision of young child by responsible person—Whether insurers of safety.
O'Connor v. British Transport Commission, C.A. [1958] 1 W.L.R. 346.

Ganger injured by train

Practice to allow workmen to walk on track—Liability of employer—Liability of engine driver. **Trznadel v. British Transport Commission,** C.A. [1957] 1 W.L.R. 1002.

Ganger's duty

Inspection of permanent way—Re-layer struck by engine—Duty of ganger.
Judson v. British Transport Commission, C.A. [1954] 1 W.L.R. 585.

Guard's duty

Person struck by door of guard's van—Door still open after train had travelled 60 yards—Rules for the working of the railway—Contributory negligence.
Hare v. British Transport Commission, Lord Goddard C.J. [1956] 1 W.L.R. 250.

Liability of Railway Executive

London Transport underground passenger—Injured in British Railway station precincts—Invitee or licensee—Trap for which competent independent contractor responsible—Transport Act, 1947, s. 5 (4) (9).
Bloomstein v. Railway Executive, Parker J. [1952] W.N. 378; [1952] 2 All E.R. 418.

Shunter injured by points lever

Practice tolerated by employers of riding on locomotive steps—Siting of lever—Foreseeability of risk—Failure to consider safety precautions.
Hicks v. British Transport Commission, C.A. [1958] 1 W.L.R. 493.

Powers

Bridges

Right of way—Dedication—Footpath over private accommodation bridge—Presumption of dedication—Long user by public—Power of railway authority to dedicate—Test—Consistency with purposes of railway—Question of fact—Railways Clauses Consolidation Act, 1845, ss. 16, 68; National Parks and Access to the Countryside Act, 1949, s. 31.
British Transport Commission v. Westmorland County Council,
Divl.Ct. [1956] 2 W.L.R. 428;
C.A. [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1022.
H.L.(E.) [1958] A.C. 126; [1957] 2 W.L.R. 1032.

Rating. *See* RATING (**Railway or canal hereditament**).

Statutory duty

Permanent way men

Man injured at work on line—"Relaying or repairing the permanent way"—Men engaged on preliminary inspection—Whether "working for the purpose of relaying or repairing"—Railway Employment (Prevention of Accidents) Act, 1900, s. 1 (1): Sch. para. 12—Prevention of Accidents Rules, 1902, r. 9.
Judson v. British Transport Commission, C.A. [1954] 1 W.L.R. 585.

Men killed on line—"Repairing the permanent way"—Tightening crossing and nose bolts—Whether work of "repairing"—Whether "danger . . . likely to arise"—Prevention of Accidents Rules, 1902, r. 9.
Reilly v. British Transport Commission, Donovan J. [1957] 1 W.L.R. 76.

——————— ——————— Tightening loose fishplate nuts—Whether work of "repairing"—"Working"—Whether "danger . . . likely to "arise"—Railway Employment (Prevention of Accidents) Act, 1900, s. 1; Prevention of Accidents Rules, 1902, r. 9.
Cade v. British Transport Commission, C.A. [1959] A.C. 256; [1957] 1 W.L.R. 947.
H.L.(E.) [1959] A.C. 256; [1958] 3 W.L.R. 118.

Points

Lever—Lever "parallel to the adjacent lines"—Meaning of "parallel"—Meaning of "adjacent"—Prevention of Accidents Rules, 1902, r. 5.
Hicks v. British Transport Commission, C.A. [1958] 1 W.L.R. 493.

RATIFICATION. *See Agency.*

RATING. (*See also* LANDS TRIBUNAL.)

Agricultural building

Cattle breeding centre

Artificial insemination of cows—Buildings, with agricultural land—Agricultural buildings—Whether used solely in connection with agricultural operations on the land—Rating and Valuation (Apportionment) Act, 1928, s. 2.
Thompson v. Milk Marketing Board, C.A. [1952] 2 Q.B. 817; [1952] 2 T.L.R. 231; [1952] 2 All E.R. 334.

Dairy

Cooling, bottling and pasteurising milk—Milk mostly produced elsewhere—Building occupied with agricultural land—Whether agricultural building—Whether used solely in connexion with agricultural operations on the land—Rating and Valuation (Apportionment) Act, 1928, s. 2. **Perrins v. Draper,** C.A. [1953] 1 W.L.R. 1178.

Pig progeny testing research station

Surrounding land arable meadow or pasture—Buildings—Whether occupied together with and used solely in connection with agricultural operations on the land—"Agricultural "land"—"Agricultural building"—"Thereon"—Meanings—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2).
National Pig Progeny Testing Board v. Greenall, C.A. [1960] 1 W.L.R. 1265.

Assessment. *See* **Rateable value; Valuation list.**

Bankruptcy notice. *See* BANKRUPTCY (**Rating**).

Charity. (*See also* CHARITY.)

"New list"

Notices terminating allowances—Sent before expiration of first year of new list—Whether premature—Meaning of "has effect"—When rate "made"—Rating and Valuation Act, 1925, s. 9 (2) (*d*), (*e*)—Local Government Act, 1948, ss. 54, 120—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (2), (3), (4), (5).
Westminster City Council v. London University, King's College, Roxburgh J. [1958] 1 W.L.R. 920.

Notices terminating allowances—Sent before expiration of first year of new list—Whether premature—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (2) (3).
St. Pancras Borough Council v. University of London, Wynn-Parry J. [1957] 1 W.L.R. 778.
C.A. [1957] 1 W.L.R. 1214.

Crematoria

Acquired under Burial Act, 1852

Whether qualified for rating relief afforded to burial grounds—Meaning of "deemed"—Burial Act, 1852, s. 26—Burial Act, 1855, s. 15—Cremation Act, 1902, s. 4.
Law v. Wandsworth Borough Council C.A. [1958] 1 Q.B. 19; [1957] 3 W.L.R. 490.

Distress warrant. (*See also* **Limitation.**)

Application to magistrates

Question whether rates due—Jurisdiction of magistrates to determine—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*c*).
Evans v. Brook, Divl.Ct. [1959] 1 W.L.R. 657.

Docks. (*See also* **Rateable value.**)

Freight-transport hereditament

"Dock purposes"—"Dock undertaking"—Tanks on hereditament—Oil piped from ships—Use of undertakers—Rating and Valuation (Apportionment) Act, 1928 (18 & 19 Geo. 5, c. 44), s. 5 (1) (*c*).
Shell-Mex and B.P. Ltd. v. Clayton, C.A. [1955] 1 W.L.R. 982; H.L.(E.) [1956] 1 W.L.R. 1198.

Drainage rate

When annual value "determined"

Rate based on Schedule A assessment signed and allowed by commissioners—Appeal against assessment pending—Land Drainage Act, 1930, s. 29—Income Tax Act, 1952, ss. 35, 41. **B.P. Refinery (Kent) Ltd. v. Kent River Board,** Divl.Ct. [1957] 1 Q.B. 84; [1956] 3 W.L.R. 423.

Dwelling-house

Meaning

Rooms let singly for residential purposes—Whether used for purposes of private dwelling or private dwellings—Whether "substantially . . . whole of the available accommoda-"tion . . . used for . . . lettings"—Valuation for Rating Act, 1953, s. 3 (2).
Walls v. Peak, C.A. [1960] 2 Q.B. 413; [1960] 2 W.L.R. 840.

"Education"

Professional organization

Charter providing for provision and maintenance of central organization for promotion of efficiency and general development among persons engaged in insurance—Mainly engaged in tuition and conduct of examinations in insurance subjects—Whether "advance-"ment of . . . education" main object of organization—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
Chartered Insurance Institute v. London Corporation, Divl.Ct. [1957] 1 W.L.R. 867.

RATING—*continued.*

" Education "—*continued.*

Theosophical Society

Whether activities relevant in ascertaining " main objects "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Berry v. St. Marylebone Borough Council, Wynn-Parry J. [1957] 1 W.L.R. 495; **C.A.** [1957] 3 W.L.R. 1029.

Gas Board

Overpayment of rates

Refund—Calculation—" Rates actually levied "—" Levied "—Whether discount to be taken into account—Rating and Valuation (Miscellaneous Provisions) Act, 1955, Sch. 4 (2). **West Hartlepool Corporation v. Northern Gas Board,** Divl.Ct. [1957] 1 W.L.R. 445.

Hereditament

Meaning

Mechanized bakery and repair shop on opposite sides of street—Proximity of repair shop necessary for proper working of bakery—Whether one or two hereditaments—Considerations to be taken into account—Rating and Valuation (Apportionment) Act, 1928, s. 3 (2) (3). **Gilbert v. S. Hickinbottom & Sons Ltd.,** C.A. [1956] 2 Q.B. 40; [1956] 2 W.L.R. 952.

Mooring for yacht in river

Whether rateable hereditament—Articles not attached to land save by their own weight.
Bradshaw v. Davey, Divl.Ct. [1952] W.N. 72; [1952] 1 T.L.R. 368; [1952] 1 All E.R. 350.

Industrial hereditament

Adaptation for sale

Greetings cards distributors' premises—Cards received in bulk lots of identical cards—Sorted into saleable mixed parcels—Whether "adapted for sale "—Fur sorting and auction premises—Mixed parcels of skins received from individual sellers—Sorted into auction lots of identical grade and species irrespective of ownership—Sold on commission on behalf of sellers—Whether " adapted for sale "—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1)—Factory and Workshop Act, 1901, s. 149.
Wilson Brothers Ltd. v. Edwards. Hudson's Bay Co. v. Thompson, C.A. [1958] 1 W.L.R. 955.
Hudson's Bay Co. v. Thompson, H.L.(E.) [1959] 3 W.L.R. 317.

Packaging—Premises used for packing articles for export—Special process enabling packed articles to withstand tropical climate in storage—Factory and Workshop Act, 1901, s. 149 (1)—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1).
Cockram v. Tropical Preservation Co. Ltd., C.A. [1951] 2 K.B. 827; [1951] 2 T.L.R. 814; [1951] 2 All E.R. 520.

Slaughterhouse—Factory and Workshop Act, 1901, s. 149—Rating and Valuation (Apportionment) Act, 1928, s. 3.
Fatstock Marketing Corporation Ltd. v. Morgan, C.A. [1958] 1 W.L.R. 357.

Sorting of surplus government stores—Factory and Workshop Act, 1901, s. 149 (1)—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1).
David Cohen & Sons Ltd. v. Hall, C.A. [1952] W.N. 33; [1952] 1 All E.R. 157.

Club

Royal Automobile Club—Workshops—Occupier company comprising members of club—Provision of facilities to members—Whether " by way of trade "—Not a factory or workshop—Repair of units of road service fleet—Whether " maintenance of road " vehicles "—Factory and Workshop Act, 1901, s. 149 (1) (*c*)—Rating and Valuation (Apportionment) Act, 1928, s. 3.
Automobile Proprietary Ld. v. Brown, C.A. [1955] 1 W.L.R. 573.

Laundry

Whether retail shop or " premises of a similar character where retail trade or business . . . " carried on "—Shop—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1) (4).
Almond v. Heathfield Laundry (Birmingham) Ltd., C.A. [1960] 1 W.L.R. 1339.

Motor company's service depot

Whether retail shop, or " premises of similar character where retail trade or business " . . . carried on "—Work done on insurance companies' instructions—Whether insurers middlemen with independent trade interest in repair work—Rating and Valuation (Apportionment) Act, 1928, s. 3.
Meriden Rural District Council v. Standard Motor Co. Ltd., C.A. [1957] 1 W.L.R. 958.

" Non-industrial building "

Hereditament for testing cables held in 1931 to be a factory but not an " industrial " hereditament "—Whether as " non-industrial building " not " used wholly or mainly " for industrial purposes "—Meaning of " industrial purposes "—Rating and Valuation Act, 1925, s. 22 (1) (*a*) and (*b*), (4)—Rating and Valuation (Apportionment) Act, 1928, ss. 3, 4—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 5 (3).
Crowe v. Lloyds British Testing Co. Ltd., C.A. [1960] 1 Q.B. 592; [1960] 2 W.L.R. 227.

Research establishment

Hereditament owned by subsidiary of commercial concern—Used for construction and testing of prototypes—Whether industrial hereditament—Whether used for factory purposes—Primary purpose—Factory and Workshop Act, 1901, s. 149 (1) (*a*) (i)—Sched. VI—Rating and Valuation (Apportionment) Act, 1928.
Harry Ferguson Research Ltd. v. Dawkins, C.A. [1960] 1 W.L.R. 639.

RATING—*continued.*

Industrial hereditament—*continued.*

Road vehicle housing or maintenance

Public transport depot—Hereditament used for overhaul and repair of omnibuses—Whether used for "maintenance" of road vehicles—Whether a "place within . . . close, "curtilage or precincts of factory" but "deemed not to form part of the factory"—"Maintenance"—"Overhaul"—"Reconstruction"—Rating and Valuation (Apportionment) Act, 1928, s. 3.
London Transport Executive v. Betts, C.A. [1959] A.C. 213; [1957] 1 W.L.R. 988.
H.L.(E.) [1958] 3 W.L.R. 239.

Timber merchants' premises

Whether retail shop, or "premises of similar character where retail trade or business " . . . carried on"—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1), (4).
Dolton Bournes & Dolton Ld. v. Osmond, C.A. [1955] 1 W.L.R. 621.

Lands tribunal. *See* LANDS TRIBUNAL.

Limitation

Recovery of general rate

Issue of distress warrant more than six years after accrual of general rate—"Action to "recover any sum recoverable by virtue of any enactment"—"Action"—"Proceeding "in a court of law"—Limitation Act, 1939, ss. 2 (1), 31.
China v. Harrow Urban District Council, Divl.Ct. [1954] 1 Q.B. 178; [1953] 3 W.L.R. 885.

Local valuation court

Status

Whether decision of local valuation court on requisite entry in one valuation list res judicata in relation to new valuation list—Whether local valuation court a court of competent jurisdiction—Whether dispute before local valuation court a lis inter partes—Local Government Act, 1948, ss. 40, 41, 44, 48—Scientific Societies Act, 1843, s. 1.
Society of Medical Officers of Health v. Hope, C.A. [1959] 1 Q.B. 462; [1959] 2 W.L.R. 377.

Nationalised undertaking. (*See also* **Gas board.**)

Overpayment of rates previously assessed

Local Government Act, 1948, s. 92—Rating and Valuation Transitional Regulations, 1949, reg. 3 (1). **Reg. v. Cockram.** *Ex parte* **East Midlands Electricity Board,** Divl.Ct. [1952] W.N. 307; [1952] 2 All E.R. 44.

Notice of objection

Effect of unconditional withdrawal

Occupier of new house entered notice of objection to rating proposal—Unconditional withdrawal of notice of objection after service of notice of appeal—Effect—Local Government Act, 1948, s. 41.
Rex v. East Norfolk Local Valuation Court. *Ex parte* **Martin,** Divl.Ct. [1951] W.N. 181; [1951] 1 All E.R. 743.

Plant and machinery

Baker's oven

Provers movable parts—Whether rateable—"To such extent as any such part is, or is in "the nature of, a building or structure"—Meaning—Rating and Valuation Act, 1925, s. 24—Plant and Machinery (Valuation for Rating) Order, 1927, Sch., Class 4.
W. Collier Ltd. v. Fielding, C.A. [1958] 1 W.L.R. 323.

Oil refinery

Topping unit—Whether a "still"—"In the nature of a building or structure"—Meaning—Rating and Valuation Act, 1925, s. 24 (1), Sch. III—Plant and Machinery (Valuation for Rating) Order, 1927, Sch., Class 4.
B.P. Refinery (Kent) Ltd. v. Walker, C.A. [1957] 2 Q.B. 305; [1957] 2 W.L.R. 907.

Petrol station

Underground petrol storage tank—Whether "a building or structure"—Whether a "tank"—Rating and Valuation Act, 1925, s. 24—Plant and Machinery (Valuation for Rating) Order, 1927, Sch., Class 4.
Shell-Mex and B.P. Ltd. v. Holyoak, C.A. [1958] 1 W.L.R. 331.
H.L.(E.) [1959] 1 W.L.R. 188.

Playing field. (*See also* **Rateable occupation.**)

Fact or law

Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*c*).
Evans v. Brook, Divl.Ct. [1959] 1 W.L.R. 657.

Intermittent use by sports club

Whether "occupied for purposes of" club—"Occupied"—"For the purposes of"—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*c*).
Parker v. Ealing Borough Council, Pennycuick J. [1960] 1 W.L.R.1398.

Practice

Appeal

Appeal by valuation officer to valuation court—Rating authority in agreement with valuation officer's proposal—No steps taken by rating authority in reliance on valuation officer's proposal—Withdrawal of appeal by valuation officer—Rating authority's claim

RATING—*continued.*

Practice (*Appeal*)—*continued.*

to be heard refused—Application for order of mandamus—Local Government Act, 1948, s. 48. *In re* **Brixham Urban District Council.** *In re* **Totnes Urban District Council,**
Divl.Ct. [1955] 1 W.L.R. 5;
C.A. [1955] 1 W.L.R. 426.

Profit

Housing trust

Trust to provide decent housing for poorer classes—Trustees required to obtain return on capital of trust fund and increase fund—Whether trust established or conducted for profit—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
Guinness Trust (London Fund) Founded 1890 Registered 1902 v. West Ham Borough Council, Divl.Ct. [1958] 1 W.L.R. 541.
C.A. [1959] 1 W.L.R. 233.

Railway or canal hereditament

Residential accommodation

Staff Training College—Local Government Act, 1948, ss. 85, 86 and 87.
Railway Executive v. Woking U. D. C., C.A. [1952] W.N. 329.

Warehouse

Premises used as warehouse for storing furniture and equipment for railway hotels—Transport Act, 1947, s. 2 (1) (*e*)—Local Government Act, 1948, ss. 85 (1), 86 (1) (2).
Hotels Executive v. Derby Corporation, Divl.Ct. [1951] 1 K.B. 91.

Rateable occupation

Building contractors' huts

Site handed over to contractors—Huts not affixed to ground—Whether rateably occupied.
London County Council v. Wilkins,
C.A. [1955] 2 Q.B. 653; [1955] 2 W.L.R. 1095.
H.L.(E.) [1957] A.C. 362; [1956] 3 W.L.R. 505.

Golf course

Golf courses occupied in New Forest under licence without prejudice to the rights of commoners—Public not prevented from wandering over golf courses—Whether any rateable occupation of golf courses.
Peak v. Burley Golf Club, C.A. [1960] 1 W.L.R. 568.

Intermittent use

Playing field used by sports club.
Parker v. Ealing Borough Council, Pennycuick J. [1960] 1 W.L.R.1398.

Matrimonial home

Husband leaves wife in house rent free—Beneficial occupation by husband.
Cardiff Corporation v. Robinson, Divl.Ct. [1957] 1 Q.B. 39; [1956] 3 W.L.R. 522.

Refreshment pavilion in public park

Occupation for trade by private individual—Whether distinct hereditament carved out of park or inherent in and ancillary to use of park.
Sheffield Corporation v. Tranter, C.A. [1957] 1 W.L.R. 843.

Repairs to vacant property

Warehouse—Work on alterations—" Actual occupation "—Meaning—Local Government (Scotland) Act, 1947, ss. 222, 241 (1), 379 (1)—Valuation and Rating (Scotland) Act, 1956, s. 16 (1). **Arbuckle Smith & Co. Ltd. v. Greenock Corpn.,** H.L.(Sc.)
[1960] A.C. 813; [1960] 2 W.L.R. 435.

Sports ground. (*See also* **Playing field.**)

Land conveyed to local authority as open space—Used by sports clubs—Exclusion of public for short periods—Payment occasionally required for admission—Occupation by public—Whether local authority in beneficial occupation—Open Spaces Act, 1906, ss. 10, 15. **Burnell v. Downham Market U. D. C.,** C.A. [1952] 2 Q.B. 55;
[1952] 1 All E.R. 601.

Rateable value. (*See also* **Valuation list.**)

Advertising right

Ratepayer granted licence to erect advertising sign—Subsequent erection of sign—" Structure "—Basis of assessment—Rating and Valuation Act, 1925, s. 22 (1) (*b*)—Local Government Act, 1948, s. 56.
Imperial Tobacco Company (of Great Britain and Ireland) Ltd. v. Pierson,
C.A. [1959] 1 W.L.R. 761.
H.L.(E.) [1961] A.C. 463; [1960] 3 W.L.R. 235.

Dwelling-house

Ascertainment of gross value by reference to hypothetical 1939 rent on basis of landlord's covenant to bear " the cost of the repairs . . . necessary to maintain the hereditament " in a state to command that rent "—Hereditament in state of disrepair at time of valuation—Scope of hypothetical landlord's covenant—Whether Lands Tribunal entitled to assume landlord's covenant in accordance with everyday practice—Meaning of " state " —Valuation for Rating Act, 1953, ss. 2 (2), 3 (*a*) (*b*).
Wexler v. Playle, C.A. [1960] 1 Q.B. 217; [1960] 2 W.L.R. 187.

Profits basis

Dock undertaking—Valuation of office premises—" Profits basis "—Rating and Valuation Act, 1925, s. 22. **Clayton v. British Transport Commission,** C.A. [1955] 1 W.L.R. 504.

Water undertaking—Sums raised by precepts to meet loan charges—Whether taken into account in assessing net annual value. **Mid-Northamptonshire Water Board v. Lee,**
C.A. [1956] 2 Q.B. 55; [1956] 2 W.L.R. 1012.
H.L.(E.) [1958] A.C. 68; [1957] 2 W.L.R. 881.

RATING—*continued.*

Rateable value (*Profits basis*)—*continued.*

Water undertaking — Valuation of river intake — "Profits basis" — Relevance of value attributable to altitude of intake.
Metropolitan Water Board v. Hertford Corpn., C.A. [1953] 1 W.L.R. 622.

Purchase price

Whether relevant in arriving at notional rent—Valuation for Rating Act, 1953, s. 2 (2).
Sole v. Henning, C.A. [1959] 1 W.L.R. 769.

Rent restriction legislation

Application—" Standard rent " the value for purpose of rate—English principle inapplicable—Port of Spain Corporation Ordinance (Revised Ordinances of Trinidad and Tobago, 1950, c. 39, No. 1), ss. 89, 101, 114—Rent Restriction Ordinance (Revised Ordinances, 1950, c. 27, No. 18), ss. 3 (1), 8, 9.
Port of Spain Corpn. v. Gordon, Grant & Co. Ld., J.C. [1955] A.C. 389; [1955] 2 W.L.R. 723.

Sea defence rate

Imposed by local authority under private Act—Not a permissible deduction from gross value—Local authority not " a commissioner of sewers or other like authority "—Rating and Valuation Act, 1925, s. 22 (1) (*a*).
Havant and Waterloo Urban District Council v. Payne, C.A. [1953] 2 Q.B. 69; [1953] 2 W.L.R. 1119.

" Religion "

Moral virtue

Theosophical Society—Objects of society not wholly charitable—Written constitution—Whether activities relevant in ascertaining " main objects "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Berry v. St. Marylebone Borough Council, Wynn-Parry J. [1957] 1 W.L.R. 495; C.A. [1958] Ch. 406; [1957] 3 W.L.R. 1029.

United Grand Lodge of Freemasons—Collective body administering and governing masonic activities—Purpose of United Grand Lodge to promote masonry—Objects of administrative office of organization—Objects of organization itself—Objects of freemasonry to promote and advance certain virtues—Furtherance of religious attitude for fellowship and service common to civilized religions—Candidates required to declare belief in a Supreme Being—Whether main object " the advancement of religion "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
United Grand Lodge of Ancient Free and Accepted Masons of England v. Holborn Borough Council, Divl.Ct. [1957] 1 W.L.R. 1080.

Religious worship

Secular classes for children

Building certified as used for public religious worship—Four rooms used for secular activities for children followed by religious services—No rent or profit derived from classes—Whether rooms " exclusively appropriated to public religious worship "—Poor Rate Exemption Act, 1833. s. 1.
Rogers v. Lewisham Borough Council, C.A. [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718.

Sunday school

Building used for public religious worship—Four rooms used 4 evenings weekly for secular activities for children followed by religious services—Whether activities constituted a Sunday school—Poor Rate Exemption Act, 1833, s. 2—Sunday and Ragged School (Exemption from Rating) Act, 1869, s. 2.
Rogers v. Lewisham Borough Council, C.A. [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718.

Science, literature or fine art

Exemption

Library incorporated by Royal Charter—Subscribing members entitled to borrow books for private study—Annual receipt of donations of money and books and of legacies—Whether instituted for purposes of literature exclusively—" Annual voluntary contribu- " tion "—Meaning—Whether supported in part by voluntary contributions—Scientific Societies Act, 1843, s. 1.
London Library v. Cane (Valuation Officer), C.A. [1960] 1 Q.B. 373; [1959] 3 W.L.R. 929.

Society to promote folk dancing, folk songs and other folk music—Whether instituted for purposes of the fine arts exclusively—Whether supported wholly or in part by voluntary contributions—Scientific Societies Act, 1843, s. 1.
O'Sullivan v. English Folk Dance and Song Society, C.A. [1955] 1 W.L.R. 907.

Society to promote fuel technology—Scientific purpose—Benefit of members—Ancillary purpose—Whether " instituted for purposes of science . . . exclusively "—Scientific Societies Act, 1843, s. 1.
Institute of Fuel v. Morley, C.A. [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157; H.L.(E.) [1956] A.C. 245; [1956] 2 W.L.R. 64.

Society " to promote the development of mechanical engineering "—Supported mainly by annual subscriptions—Whether instituted for purposes of science exclusively—Whether subscriptions voluntary—Scientific Societies Act, 1843, s. 1.
Institution of Mechanical Engineers v. Cane, C.A. [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48.
H.L.(E.) [1960] 3 W.L.R. 978.

RATING—*continued.*

Science, literature or fine art (*Exemption*)—*continued.*

Whether decision of local valuation court on requisite entry in one valuation list res judicata in relation to new valuation list—Whether local valuation court a court of competent jurisdiction—Whether dispute before local valuation court a lis inter partes—Local Government Act, 1948, ss. 40, 41, 44, 48—Scientific Societies Act, 1843, s. 1 **Society of Medical Officers of Health v. Hope,** C.A. [1959] 1 Q.B. 462; [1959] 2 W.L.R. 377.
H.L.(E.) [1960] A.C. 551; [1960] 2 W.L.R. 404.

" Social welfare "

Assessment

Organization whose main objects concerned with advancement of education and social welfare—Previously exempt from rates as a scientific society—Exemption no longer claimed—Rate chargeable for first year of new valuation list where no rates previously charged—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (2).
Horace Plunkett Foundation v. St. Pancras Borough Council, Divl.Ct. [1958] 1 W.L.R. 30.

Claim for rating relief

Refusal of relief—Notice of appeal to quarter sessions—Notice out of time—Notice withdrawn—Payment of full rate—Whether overpayment recoverable—Whether right to relief lost through overpayment—Whether overpayment and withdrawal of notice of appeal operate as estoppel per rem judicatam—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8, Sch. V.
Waterson v. Hendon Borough Council, Salmon J. [1959] 1 W.L.R. 985.

Ex-services club

" Main objects " contained in written constitution—" To promote comradeship between " and improve the condition and welfare of all ranks, both past and present " of the forces—Whether main objects of organisation " concerned with the advancement of . . . " social welfare "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*). **Victory (Ex-Services) Association Ltd. v. Paddington Borough Council,** Divl.Ct. [1960] 1 W.L.R. 106.

Friendly society

Provision of benefits and assurances for members—Benefits provided on actuarial basis—Convalescent home—Claim for rating relief—No element of advancement of good of community—Objects not " concerned with the advancement of . . . social welfare "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
National Deposit Friendly Society Trustees v. Skegness Urban District Council, Divl.Ct. [1957] 1 Q.B. 531; [1957] 2 W.L.R. 322;
C.A. [1957] 2 Q.B. 573; [1957] 3 W.L.R. 550.
H.L.(E.) [1959] A.C. 293; [1958] 3 W.L.R. 172.

Provision of orthopaedic, medical and surgical treatment for members—Payment for benefits by subscriptions—Hospital—Claim for rating relief—Absence of public benefit—Absence of altruistic motive—Objects not " charitable or . . . otherwise concerned " with the advancement of . . . social welfare "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Waterson v. Hendon Borough Council, Salmon J. [1959] 1 W.L.R. 985.

Oddfellows—Society providing benefits and assurance—Claim by society for rating relief—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Independent Order of Oddfellows Manchester Unity Friendly Society v. Manchester Corporation, Divl.Ct. [1957] 1 W.L.R. 1059.
C.A. [1958] 1 W.L.R. 1171.

Health

Council required by statute to maintain register of nurses—Claim for rating relief—Advancement of " social welfare "—Meaning—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
General Nursing Council for England and Wales v. St. Marylebone Borough Council, Danckwerts J. [1957] 1 W.L.R. 941.
C.A. [1958] Ch. 421; [1957] 3 W.L.R. 1039.
H.L.(E.) [1959] A.C. 540; [1959] 2 W.L.R. 308.

" Main objects " — Meaning — Distinction between objects and powers — Education — Zoological Society—Memorandum—Main objects to encourage study of zoology and kindred sciences—Whether main objects " charitable or . . . otherwise concerned with the advancement of . . . education "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
In re **North of England Zoological Society,** Vaisey J. [1958] 1 W.L.R. 1258.

Miners' welfare holiday camp—Premises occupied by trustees—Organisation not established or conducted for profit—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
Skegness Urban District Council v. Derbyshire Miners' Welfare Committee, Divl.Ct. [1957] 1 W.L.R. 764.
C.A. [1958] 1 Q.B. 298; [1957] 3 W.L.R. 1048.
H.L.(E.) [1959] A.C. 807; [1959] 2 W.L.R. 711.

RATING—*continued.*

"Social welfare"—*continued.*

"Main objects"

Meaning—Education—Zoological Society—Memorandum—Main objects to encourage study of zoology and kindred sciences—Whether main objects "charitable or . . . "otherwise concerned with the advancement of . . . education"—Whether "established "or conducted for profit"—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
In re **North of England Zoological Society,** C.A. [1959] 1 W.L.R. 773.

Organization whose purpose is advanced

Trade union or trustees—Convalescent home and home for the aged—Trustees subject to strict control by executive council of union—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
Isaacs v. Market Bosworth R. D. C., Divl.Ct. [1960] 1 W.L.R. 277.

Royal College of Nursing

Claim for rating relief—Two main objects—Whether both charitable—"Advance of "nursing as a profession"—Meaning—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Royal College of Nursing v. St. Marylebone Borough Council, Divl.Ct. [1958] 1 W.L.R. 95.

Theosophical Society

Objects of society not wholly charitable—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8.
Berry v. St. Marylebone Borough Council, Wynn-Parry J. [1957] 1 W.L.R. 495.
C.A. [1958] Ch. 406; [1957] 3 W.L.R. 1029.

Working men's clubs union

Convalescent home—Union formed to encourage working men to form clubs—Main objects of union—Whether established or conducted for profit—Whether concerned with the advancement of social welfare—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*).
Working Men's Club and Institute Union Ltd. v. Swansea Corpn., Divl.Ct. [1958] 1 W.L.R. 1135.
C.A. [1959] 1 W.L.R. 1197.

"Unimproved value"

Method of assessment

Local Government (Towns) Ordinance of Fiji, 1947.
Tetzner v. Colonial Sugar Refining Co. Ltd., J.C. [1958] A.C. 50; [1957] 3 W.L.R. 338.

User of land. *See* USER OF LAND.

Valuation court. *See* **Local valuation court.**

Valuation list

Alteration

Proposals for alteration of valuation list made by rating authority—Employment of surveyor by authority to review the assessment of properties—Surveyor's fees paid out of general rating fund—Power of authority to employ surveyor—Duty of local authority to make proposals for amendment of valuation list—Local Government Act, 1933, s. 187—Local Government Act, 1948, ss. 33, 40.
Grainger v. Liverpool Corpn., Divl.Ct. [1954] 1 Q.B. 351; [1954] 2 W.L.R. 275.

Proposal in 1954 by rating authority to add hereditament to list—Locus standi at that date of rating authority to make such proposal—Local Government Act, 1948, ss. 40 (1), 144 (1), (9)—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 2 (1).
John Walsh Ltd. v. Sheffield Corporation, C.A. [1957] 1 W.L.R. 1074.

Value. *See* **Rateable value.**

Water rate

Discount

Whether discount of 10 per cent. allowable—Whether section of Waterworks Clauses Act repugnant to later Acts—Sowerby Bridge Local Board Act, 1863, ss. 6, 19—Waterworks Clauses Act, 1847, s. 72—Rating and Valuation Act, 1925, s. 11 (1)—Public Health Act, 1936, ss. 129, 328.
Sowerby Bridge Urban District Council v. Stott, C.A. [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1.

Jurisdiction. See COUNTY COURT; LANDS TRIBUNAL.

Right to charge

"Undertakers who supply water to any premises"—Villagers with immemorial right to free water from public standpipes—Gratuitous supply vested in water authority—Provision of mains and pipes for connecting up premises with free supply—Meaning of "supply"—Public Health Act, 1875, ss. 56, 64—Water Act, 1945, Sch. 3, s. 46.
South Devon Water Board v. Gibson, C.A. [1955] 2 Q.B. 448; [1955] 3 W.L.R. 255.

Washing motor-cars

Imposition of water rate for washing motor-cars on all road fund licence holders—Imposition irrespective of demand for supply—Obligation to show water not used—Validity under statutory powers—Leeds Corporation (Consolidation) Act, 1905, s. 24.
Attorney-General v. Leeds Corpn., Vaisey J. [1952] Ch. 172; [1951] 2 T.L.R. 1233.

RECITALS. *See* SETTLEMENT.

RECTIFICATION. (*See also* CONTRACT.)

Sale of land

Equities binding purchaser

Sale at auction of farm occupied by tenant—Mutual mistake of vendors and tenant as to effect of repairing covenant—Claim by tenant against purchaser to rectify tenancy agreement—Whether purchaser affected by notice of equity to rectify—Law of Property Act, 1925, s. 199 (1). **Smith v. Jones,** Upjohn J. [1954] 1 W.L.R. 1089.

REGISTERED LAND

See LAND REGISTRATION.

RENT RESTRICTION

See LANDLORD AND TENANT.

RENT TRIBUNAL

See LANDLORD AND TENANT; TRIBUNAL.

REPAIRS

See AGRICULTURAL HOLDING; LANDLORD AND TENANT.

REPEAL

See STATUTE.

REQUISITIONING

See EMERGENCY LEGISLATION; HOUSING.

RES IPSA LOQUITUR

See NEGLIGENCE (**Burden of proof**).

RES JUDICATA

See ESTOPPEL.

RESIDENCE

Adoption

"Reside"

Applicant and infant "to reside in England"—Meaning.
In re **Adoption Application 52/1951,** Harman J. [1952] Ch. 16; [1951] 2 T.L.R. 887; [1951] 2 All E.R. 931.

Company

Agency abroad

Insurance claim—Place of payment.
F. & K. Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Agency in Great Britain

Service of writ—Foreign company—Whether "any place of business established . . . in "Great Britain"—Service after business within jurisdiction (if any) ceased—Companies Act, 1948, ss. 406, 412.
Deverall v. Grant Advertising Inc., C.A. [1955] Ch. 111; [1954] 3 W.L.R. 688.

Income tax

Companies resident both in United Kingdom and abroad—Whether "ordinarily resident outside United Kingdom"—Test of dual residence—Control and management—Finance Act, 1947, s. 39 (1).
Union Corpn. Ltd. v. Inland Revenue Commrs., Harman J. [1951] W.N. 448; [1951] 2 T.L.R. 582.
C.A. [1952] W.N. 119; [1952] 1 T.L.R. 651; [1952] 1 All E.R. 646.
H.L.(E.) [1953] A.C. 482; [1953] 2 W.L.R. 615.

Unauthorised management outside country of registration—Finance Act, 1953, s. 20 (9).
Unit Construction Co. Ltd. v. Bullock, Wynn-Parry J. [1958] 3 W.L.R. 504.
C.A. [1959] Ch. 315; [1959] 2 W.L.R. 437.
H.L.(E.) [1960] A.C. 351; [1959] 3 W.L.R. 1022.

Principal office in London

Factory in Wales—Whether company can reside or carry on business in more than one place. **Davies v. British Geon Ltd.,** Pearson J. [1956] 1 W.L.R. 769; C.A. [1957] 1 Q.B. 1; [1956] 3 W.L.R. 679.

Divorce

"Ordinarily resident" in England

Temporary absence—Jurisdiction—Matrimonial Causes Act, 1950, s. 18 (1) (*b*).
Stransky v. Stransky, Karminski J. [1954] P. 428; [1954] 3 W.L.R. 123.

Wife in Canada with husband for six months—Jurisdiction—Law Reform (Miscellaneous Provisions) Act, 1949, s. 1—Matrimonial Causes Act, 1937, s. 13.
Hopkins v. Hopkins, Pilcher J. [1951] P. 116.

Wife "ordinarily resident" while sailing to England—Matrimonial Causes Act, 1950, s. 18 (1) (*b*). **Lewis v. Lewis,** Willmer J. [1956] 1 W.L.R. 200.

"Ordinary residence"

Whether determined by founding proceedings on residence in other State.
Mountbatten v. Mountbatten, Davies J. [1959] P. 43; [1959] 2 W.L.R. 128.

RESIDENCE—*continued.*

Judicial separation

Quality of residence necessary

Supreme Court of Judicature (Consolidation) Act, 1925, s. 32.
Matalon v. Matalon, C.A. [1952] P. 233; [1952] 1 T.L.R. 1467; [1952] 1 All E.R. 1025.

Justices

Jurisdiction

Approved school order—Appeal—Variation of order by quarter sessions—No power to substitute name of local authority in area where offence committed—Lacuna in Act—Boys two nights in place before committing offence—Children and Young Persons Act, 1933, ss. 70 (2), 90 (2). **Isle of Wight County Council v. Warwickshire County Council,** Divl.Ct. [1953] 1 Q.B. 553; [1953] 2 W.L.R. 451.

"Last ordinarily resided together as husband and wife"—Quality of residence necessary—Maintenance Orders Act, 1950, s. 1 (1).
Lowry v. Lowry, Divl.Ct. [1952] P. 252; [1952] 1 T.L.R. 1508; [1952] 2 All E.R. 61.

National service

Ireland

Liability of Irish citizens if ordinarily resident in Great Britain—National Service Act, 1948, s. 34 (4)—British Nationality Act, 1948, s. 3 (2)—Ireland Act, 1949, s. 3 (1), (2).
Bicknell v. Brosnan, Divl.Ct. [1953] 2 Q.B. 77; [1953] 2 W.L.R. 1052.

RESTITUTION. (*See also* QUANTUM MERUIT.)

Illegal payment

Landlord and tenant

Payment by tenant of premium for lease—Whether recoverable—Whether parties in pari delicto—Rent Restriction Ordinance No. 10 of 1949 (Laws of Uganda, 1951, c. 115), s. 3 (2). **Kiriri Cotton Co. Ltd. v. Dewani,** J.C. [1960] A.C. 192; [1960] 2 W.L.R. 127.

Sale of goods

Forfeiture clause

Payment by instalments—Failure to complete payments—Forfeiture of instalments paid—Claim by purchaser to relief.
Stockloser v. Johnson, C.A. [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439.

Unjust enrichment

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H.L.(E.) [1954] A.C. 495; [1954] 2 W.L.R. 1022.

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Received by bank to use of enemy person—Claim after Peace Treaty.
Fischler v. Administrator of Roumanian Property, H.L.(E.) [1960] 1 W.L.R. 917.

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Metropolitan Police District Receiver v. Croydon Corpn.,
Slade J. [1956] 1 W.L.R. 1113.
C.A. [1957] 2 Q.B. 154; [1957] 2 W.L.R. 33.
Monmouthshire County Council v. Smith, Lynskey J. [1956] 1 W.L.R. 1132.
C.A. [1957] 2 Q.B. 154; [1957] 2 W.L.R. 33.

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Hassanally v. Cassim, J.C. [1960] A.C. 592; [1960] 2 W.L.R. 607.

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Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

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H.L.(Sc.) [1960] A.C. 832; [1960] 2 W.L.R. 580.

Restriction on trading activities of one society—Whether unreasonable restraint of trade.
Birtley & District Co-operative Society Ltd. v. Windy Nook & District Industrial Co-operative Society Ltd., Streatfeild J. [1960] 1 Q.B. 1; [1959] 2 W.L.R. 415.

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Medical practitioner

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Whitehill v. Bradford, Danckwerts J. [1952] Ch. 236; [1951] 2 T.L.R. 946.
C.A. [1952] Ch. 236; [1952] 1 T.L.R. 66; [1952] 1 All E.R. 111.

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British Motor Trade Association v. Gilbert, Danckwerts J. [1951] W.N. 454; [1951] 2 T.L.R 514; [1951] 2 All E.R. 641.

Order for motor-car from dealer—Manufacturer's requirement that purchaser sign covenant not to resell within 12 months—Purchaser's refusal—Whether contrary to public policy. **Monkland v. Jack Barclay Ltd.,** C.A. [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714.

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Ronbar Enterprises Ld. v. Green, C.A. [1954] 1 W.L.R. 815.

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Port Line Ltd. v. Ben Line Steamers Ltd., Diplock J. [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551.

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Newton Abbot Co-operative Society Ltd. v. Williamson & Treadgold Ltd., Upjohn J. [1952] Ch. 286; [1952] 1 T.L.R. 284; [1952] 1 All E.R. 279.

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Driscoll v. Church Commissioners for England, C.A. [1957] 1 Q.B. 330; [1956] 3 W.L.R. 996.

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In re **Ghey and Galton's Application,** C.A. [1957] 2 Q.B. 650; [1957] 3 W.L.R. 562.

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In re **Truman, Hanbury, Buxton & Co. Ld.'s Application,** C.A. [1956] 1 Q.B. 261; [1955] 3 W.L.R. 704.

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Beecham Foods Ltd v. North Supplies (Edmonton) Ltd., Vaisey J., L.R. 1 R.P. 262; [1959] 1 W.L.R. 643.

Notice of restriction—Express notice essential—Restrictive Trade Practices Act, 1956, s. 25. **County Laboratories Ltd. v. J. Mindel Ltd.,** Harman J. [1957] Ch. 295; L.R. 1 R.P. 1; [1957] 2 W.L.R. 541.

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Goodyear Tyre and Rubber Co. (Great Britain) Ltd. v. Lancashire Batteries Ltd., Upjohn J. [1958] 1 W.L.R. 655.
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In re **Wholesale Confectioners Alliance's Agreement,** R.P.Ct. [1960] 1 W.L.R. 1417.

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Successive annuities—Annuity to brother and "in case of his predeceasing" his wife "the said annuity" to her—Not one piece of property—New annuity arising on death of first annuitant—Incidence of duty—Partial exoneration of residue—Liability of second annuitant for rateable proportion of duty—Finance Act, 1894, ss. 1, 2 (1) (*b*).
In re **Weigall's Will Trusts,** Harman J. [1956] Ch. 424; [1956] 3 W.L.R. 12.

——————— Continuing annuity—Annuity payable to such of three persons as should be living—Death of one annuitant—Property passing—Whether continuing annuity—Duty, how assessed—Finance Act, 1894, ss. 1, 2 (1) (*b*), 7 (7).
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Valuation for purposes of estate duty—Basis of calculation—Finance Act, 1894, s. 7 (1) (5).
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Will—Purchase by executors, with consent of annuitants, from residuary legatees of annuities corresponding to those given by the will—Annuities secured by personal covenant only—Acceptance by each annuitant of charge on one such annuity in exoneration of rest of estate—Property deemed to pass on death—No estate duty payable—Finance Act, 1894, ss. 1, 2 (1) (*b*), 7 (7)—Finance Act, 1940, s. 43.
In re **Beit,** Vaisey J. [1951] W.N. 325; [1951] 2 T.L.R. 124.
C.A. [1952] Ch. 53; [1951] 2 T.L.R. 1042; [1951] 2 All E.R. 1002.

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Business. See Partnership; Valuation.

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In re **McNeill, dec.,** C.A. [1958] Ch. 259; [1957] 3 W.L.R. 1007.

Estate duty not claimed on assigned part of fund—Whether duty payable rateably out of whole fund—Finance Act, 1894, ss. 1, 9. *In re* **Boulton,** C.A. [1960] 1 W.L.R. 140.

Property not passing to executor—Dispensing power—Power to appoint jointure—Appointment of jointure "without any deduction"—Whether jointress liable to contribute a rateable part of estate duty exigible on death of tenant for life—"Any express provisions "to the contrary"—"Free of duty"—Meaning—Finance Act, 1894, s. 14 (1).
In re **Lonsdale Will Trusts,** C.A. [1960] Ch. 288; [1959] 3 W.L.R. 879.

———————— ———————— Power to appoint portions—Appointment of net sum less than maximum but free of death duties—Resulting total charge on settled estate in excess of maximum prescribed—Appointment excessive—Portions liable to contribute. *In re* **Keele Estates (No. 2),** Roxburgh J. [1952] W.N 23; [1952] 1 T.L.R. 34; [1952] 1 All E.R. 44.
C.A. [1952] Ch. 603; [1952] 2 T.L.R. 149; [1952] 2 All E.R. 164.

Will—Option to purchase freehold property—Purchase price lower than value for purposes of estate duty—Option exercised—Incidence of duty—Finance Act, 1894, ss. 1, 8, 9—Law of Property Act, 1925, s. 16 (1) (5)—Administration of Estates Act, 1925, ss. 1, 36 (9).
In re **Lander, decd.,** Roxburgh J. [1951] Ch. 546; [1951] 1 T.L.R. 456; [1951] 1 All E.R. 622.

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Duty to be paid out of residue—Incidence of foreign duty—Testamentary expenses—English duties on foreign personalty—Canadian succession duty—Relief from double taxation—Credit allowed as result of double taxation—How apportionable among beneficiaries—Double Taxation Relief (Estate Duty) (Canada) Order, 1946—Procedure with regard to concession in respect of South African succession duty.
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Charitable trust—Application of funds subject to settlor's approval—Whether continuing trust or new trust on his death—Power to purchase settlor's property—Whether property attracted death duty—Stamp Duties Act, 1920–49 of N.S.W., s. 102 (2) (*a*) (*c*) (*d*).
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In re **Stratton's Disclaimer,** Danckwerts J. [1956] 3 W.L.R. 1054.
C.A. [1957] Ch. 132; [1957] 3 W.L.R. 199.

Gift of current life insurance policy—Donor's intention to pay future premiums—Donee's interest unaffected by any contingency—Value at date of gift the value for purposes of duty—Death and Gift Duties Ordinance (Laws of Fiji, 1945, Rev., c. 151) (as amended by Ordinance No. 32 of 1948, s. 5), ss. 15, 45, 46, 51.
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Estate duty (*Gift inter vivos*)—*continued.*

Reservation of benefit—Charitable fund—Fiduciary power.
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Oakes v. Commr. of Stamp Duties of New South Wales, J.C. [1954] A.C. 57; [1953] 3 W.L.R. 1127.

——————— Transfer of real property—In consideration of annuity for life "Disposition of property"—"Accompanied by . . . a contract for . . . benefit to the "deceased"—Property liable to duty on death—Death Duties Act, No. 21 of 1921 (New Zealand), s. 5 (1) (*j*) (ii).
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——— Transfers executed—Delay in registering transfers—Transferees entitled from date of transfers—Customs and Inland Revenue Act, 1881, s. 38 (2)—Customs and Inland Revenue Act, 1889, s. 11 (1)—Finance Act, 1894, s. 2 (1) (*c*)—Finance Act, 1946, s. 47, Sch. XI. *In re* **Rose,** Roxburgh J. [1951] W.N. 563; [1951] 2 T.L.R. 1066; [1952] 2 All E.R. 959.
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Trust fund—Cash payment subsequently invested—Truster's death within five years—Valuation for purposes of estate duty—Time—Customs and Inland Revenue Act, 1881, ss. 38 (2) (*a*), 39—Finance Act, 1894, s. 2 (1) (*c*).
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Deferred payment of duty—Purchase by life tenant of interest in expectancy—Falling into possession—Whether estate duty payable on the purchase price or at the death of life tenant or not at all—Finance Act, 1894, s. 7 (6).
Fry v. Inland Revenue Commrs., Danckwerts J. [1959] Ch. 86; [1958] 2 W.L.R. 673.
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Deceased's share—Inclusion of interest in goodwill—"Personal property"—Liability to duty—Remission back—Assessment—Notice of objection—Reasons—Value of goodwill—Agreement on record—Effect—Commonwealth Estate Duty Assessment Act, 1914–42, s. 8 (3) (*b*), (4) (*e*). **Perpetual Executors and Trustees Association of Australia Ld. v. Commr. of Taxes of the Commonwealth of Australia,** J.C. [1954] A.C. 114; [1954] 2 W.L.R. 171.

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Philipson-Stow v. Inland Revenue Commissioners, Upjohn J. [1959] Ch. 395; [1959] 2 W.L.R. 427.
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Estate duty (*Property passing on death*)—*continued.*

Competency to dispose of property—Hindu undivided family—Death in 1934 of son, one of two surviving coparceners—Ceylon assets of family business—Coparcener has no "share" in family property—His interest not "property passing" on his death—Not property of which he was "competent to dispose"—Not an interest "ceasing on his "death"—Not liable to estate duty—Estate Duty Ordinance, No. 8 of 1919, ss. 7, 8 (1) (*a*) (*b*).

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Derivative trust—Gift of income of trust fund to beneficiaries of "A" trust for 21 years subject to discretionary power of accumulation—Gift over to persons to be appointed under "B" trust—Rights of "A" beneficiaries relinquished by deed and court order in favour of "B" beneficiaries subject to similar power—Appointment of "B" beneficiary to interest in income of trust fund—Death of beneficiary before expiration of 21 years—Finance Act, 1894, ss. 1, 2 (1) (*b*).

Midland Bank Executor and Trustee Co. Ltd. v. Inland Revenue Comrs., C.A. [1959] Ch. 277; [1959] 2 W.L.R. 77.

Immovable property abroad—Settlement—Testamentary disposition—Whether property excluded for estate duty purposes from property passing on death of tenant for life—Proper law of disposition—Finance Act, 1949, s. 28 (2).

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Life insurance policy—Claim for estate duty on value of policy—Whether an interest provided by deceased—Whether any beneficial interest arose on death of deceased—"Donee"—Meaning—Finance Act, 1894, s. 2 (1) (*d*)—Customs and Inland Revenue Act, 1889, s. 11 (1).

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Vaisey J. [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] 1 All E.R. 240.
C.A. [1951] Ch. 1038; [1951] 2 T.L.R. 381; [1951] 2 All E.R. 540.
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——————— Initial premiums not paid by assured—Donee's interest only contingent—Policies converted into fully paid-up policies by lump-sum payment—Liability to estate duty on death of assured—Customs and Inland Revenue Act, 1889, s. 11—Finance Act, 1894, s. 2 (1) (*c*).

In re **Oakes' Settlement,** Romer J. [1951] Ch. 156.

——————— Life interest in policy beginning only on death of life assured—Finance Act, 1894, ss. 1, 2 (1) (*b*) (*d*), 3 (1) (2).

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——————— "Wholly kept up . . . for the benefit of a donee . . ."—"Kept "up"—All premiums paid 34 years before death of assured—Policy partly mortgaged to insurance company—Whether duty payable on whole of policy moneys—Customs and Inland Revenue Act, 1881, s. 38 (2)—Customs and Inland Revenue Act, 1889, s. 11 (1)—Finance Act, 1894, s. 2 (1) (*c*).

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In re **J. Bibby & Sons Ltd.'s Pensions Trust Deed,** Harman J. [1952] W.N. 402; [1952] 2 T.L.R. 297; [1952] 2 All E.R. 483.

——————— Policy taken out by employers to provide retiring pensions for employees—Option exercised by employee to take lesser pension for himself together

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with similar pension for widow—Death of employee when in receipt of pension—Pension payable to widow—No "passing" on employee's death—Finance Act, 1894, ss. 1, 2 (1) (*d*).
In re **Austin Motor Co. Ltd.'s Policies.** *In re* **Payton, decd.,** C.A. [1951] Ch. 1081; [1951] 2 T.L.R. 235; [1951] 2 All E.R. 425.

Property deemed to pass—Meaning of "deemed"—Bequest to trustee for life of income from shares of residue—". . . so long as he shall act as trustee . . . by way of "remuneration"—Duty claimed on death of trustee on capital of share—Whether exempted as income received "only . . . as holder of an office"—Scope of exempting provisions—Finance Act, 1894, ss. 1, 2 (1) (*b*), (2), (3), as amended.
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Settled property passing subject to annuity—Whether part attributable to annuity passed—Finance Act, 1894, s. 1.
In re **Longbourne, decd.,** Wynn-Parry J. [1952] W.N. 552; [1952] 2 T.L.R. 818; [1952] 2 All E.R. 933.

Similar interest before and after death—Charitable fund subject to direction of deceased during lifetime.
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In re **Lambton's Marriage Settlement,** Harman J. [1952] W.N. 47; [1952] 1 T.L.R. 127; [1952] 1 All E.R. 162.
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——— ——— ——— Income payable to children during life of parent—On parent's death capital to be divided among survivors—Interest passing—Finance Act, 1894, s. 2 (1) (*d*)—Finance Act, 1934, s. 28.
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——— ——— Settlement of freeholds, investments and assurance policy—During settlor's lifetime income to daughters while unmarried, subject to maximum amount—Surplus divisible equally between children—At settlor's death daughters' annuities charged on appropriated funds—No significant change in amount—Corpus divisible amongst surviving children—Whether beneficial interest arising or accruing on the death—Finance Act, 1894, s. 2 (1) (*d*)—Finance Act, 1934, s. 28.
In re **Parkes' Settlement,** C.A. [1956] 1 W.L.R. 397.

——— ——— Trust during settlor's lifetime void—Whether resulting trust to settlor or acceleration of remainderman's interest—Finance Act, 1894, s. 1. *In re* **Flower's Settlement Trusts,** C.A. [1957] 1 W.L.R. 401.

Tax free securities in beneficial ownership of persons not domiciled or ordinarily resident in United Kingdom—Tenant for life resident in United Kingdom—Remaindermen resident abroad—Whether estate duty leviable on death of tenant for life—Finance (No. 2) Act, 1915, s. 47—Finance (No. 2) Act, 1931, s. 22 (1).
In re **Smith, decd.,** Danckwerts J. [1951] Ch. 360; [1951] 1 T.L.R. 210; [1951] 1 All E.R. 146.

Trustee—Bequest to trustee for life of income from share of residue—". . . so long "as he shall act as . . . trustee . . . by way of remuneration"—Duty claimed on death of trustee on capital of share—Whether exempted as income received "only ". . . as holder of an office"—Scope of exempting provisions—Finance Act, 1894, ss. 1, 2 (1) (*b*), (2) (3), as amended.
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Shares in company. See Gift; Surrender; Valuation.

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Duty on released property—Trustee's accountability—Property remaining in settlement accountable for duty—Lien—"Property" deemed to pass on death—£25,000 released—Investments handed over—Finance Act, 1940, s. 43 (1)—Finance Act, 1950, s. 44 (1), (3), (4). *In re* **Joynson's Will Trusts,** Danckwerts J. [1954] Ch. 567; [1954] 2 W.L.R. 1061.

Personalty—Investments subsequently made—"Property" deemed to pass on death—Finance Act, 1894, s. 22 (1) (*f*)—Finance Act, 1940, s. 43.
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Pye-Smith v. Inland Revenue Comrs., Danckwerts J. [1958] 1 W.L.R. 905.

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Valuation. (*See also Annuity*; *Gift.*)

Partnership assets. *See Partnership.*

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In re **Leven and Melville (Earl), decd.,** Wynn-Parry J. [1954] 1 W.L.R. 1228.

Shares—"Contingent liabilities"—Control of company by deceased—Company in receipt of capital allowance in respect of assets leaving expendiutre unallowed—Sale by company of assets after death of deceased giving rise to balancing charges—Balancing charges resulting in additional assessments to income tax and profits tax—Whether additional assessments "contingent liabilities"—Finance Act, 1940, ss. 50 (1), 55 (1) (2) (as amended by Finance Act, 1946, s. 47, Sch. II)—Income Tax Act, 1952, ss. 292 (1), 297. *In re* **Sutherland, decd.,** Danckwerts J. [1959] 3 W.L.R. 543.
C.A. [1960] Ch. 134, 611; [1960] 3 W.L.R. 491.

——— Control of company—Shares held by deceased beneficially—Further shares held as trustee—Whether register of members conclusive—Whether deceased in control of company—Method of valuation—Finance Act, 1894, s. 7 (5)—Finance Act, 1940, ss. 55, 58 (as amended by Finance Act, 1946, s. 47, Sch. 11).
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——— Fluctuating results of company—Applicability of assets value.
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In re **Hall's Settlement,** Upjohn J. [1954] 1 W.L.R. 1185.
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G. H. Chambers (Northiam Farms) Ltd. v. Watmough (Inspector of Taxes),
Vaisey J. [1956] 1 W.L.R. 1483.

"Industrial building or structure"—No allowance in respect of expenditure "incurred "on . . . cutting . . . any land"—Meaning of "cutting"—Water undertaking—Income Tax Act, 1945, s. 14 (1).
McIntosh v. Manchester Corpn., Vaisey J. [1952] W.N. 175; [1952] 1 All E.R. 763.
C.A. [1952] W.N. 390; [1952] 1 T.L.R. 894; [1952] 2 All E.R. 444.

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Income tax—*continued.*

"Annual payment." (*See also* Charity.)

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Actor—Payment for covenant not to act for a period—Capital or income—Whether subject to tax—Income Tax Act, 1918, Sch. D, Case II.
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C.A. [1954] Ch. 672; [1954] 3 W.L.R. 167.
H.L.(E.) [1956] A.C. 39; [1955] 3 W.L.R. 451.

Fund for benefit of employees of company—Consent orders (with acquiescence of Attorney-General) involving scheme—Subsequent claim for charitable exemption from income tax opposed by Crown—Estoppel—Validity of scheme—Whether scheme an "imperfect trust provision"—Charitable Trusts Validation Act, 1954, ss. 1, 2.
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Imperative trust to distribute income among specified class—Specified class unascertainable at any given time—Charities members of class—Payment of income to charities—Claim for exemption from income tax—Income not income of charities—Income Tax Act. 1918, s. 37 (*b*).
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Wynn-Parry J. [1954] 1 W.L.R. 659.
C.A. [1955] Ch. 20; [1954] 3 W.L.R. 438.

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Covenant. (*See also Charity; Free of tax; Settlement.*)

Construction—Deed of covenant, dated May 5, 1953, by taxpayer in favour of son—Covenant to pay "annual sum"—First payment due forthwith—Subsequent payments on "first day of May in each year" during period not exceeding eight years—Whether covenantor bound to pay annual sum on May 1, 1954.
Inland Revenue Comrs. v. Hobhouse, Danckwerts J. [1956] 1 W.L.R. 1393.

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Immunity—Crown servant—Custodian of Enemy Property—Income of investments of property by Custodian—Trading with the Enemy Act, 1939, s. 7.
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Income tax (*Crown*)—*continued.*

Payments by—Whether Case III can apply—Crown immunity—Income Tax Act, 1918, r. 21 of General Rules, Sch. D, Case III, r. 1 (*a*).
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Upjohn J. [1953] 1 W.L.R. 920.
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Discontinuance of trade or profession

Actor—Contract of deceased actor and film producer—Share in gross receipts or profits from distribution of films—Death before amount of share ascertained—Agreement by executors varying remuneration under contracts—Extent of liability to tax—Income Tax Act, 1918, Sch. D.
Stainer's Executors v. Purchase, H.L.(E.) [1952] A.C. 280; [1951] 2 T.L.R. 1112; [1951] 2 All E.R. 1071.

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C.A. [1958] Ch. 345; [1957] 3 W.L.R. 768.
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Company—Director—Periodical payments under agreement for special services—Payable to director or "his executors administrators or assigns"—Liability to tax after his death—Schedule D, Case III—Income Tax Act, 1952, s. 123.
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Malaya—Dividend—Paid out of "chargeable income" for year of assessment—Discretionary statutory deduction—Failure of Comptroller to exercise discretion—Practice.
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Godfrey Phillips Ld. v. Investment Trust Corpn. Ld., Wynn-Parry J.
[1953] Ch. 449; [1953] 1 W.L.R. 41.

Double taxation relief

Double tax payable—New or additional source of income in Australia—Dividends liable to income tax in two years of assessment—Amount of credit allowed in respect of Australian tax—Whether credit available in each of the two years of assessment—Income Tax Act, 1952, Sch. 16, para. 2—Double Taxation Relief (Taxes on Income) (Australia) Order, 1947, Sch., art. XII (1).
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Residents in Eire—Irish company resident in Eire—Transfer of share capital of English companies to Irish company—Payment to Irish company of dividend on shares of English companies accumulated wholly out of profits made before transfer—Deduction of British income tax—Whether Irish company entitled to repayment of British income

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Income tax *(Double taxation relief)—continued.*

tax—" Dividend stripping "—Whether Irish company " a person entitled under any " enactment to an exemption from income tax "—Income Tax Act, 1952, s. 349 (1) (2) (3) (4); Sch. 18—Finance (No. 2) Act, 1955, s. 4 (1) (2).
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C.A. [1960] Ch. 592; [1960] 2 W.L.R. 848.

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Basis of computation—Deduction of charges on income—Income Tax Act, 1918, ss. 14, 17, Sch. V, para. 17—Finance Act, 1925, s. 15 (1) (3)—Finance Act, 1927, s. 40 (3).
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Employment. (See also Expenses; P.A.Y.E.; Profits of profession; MASTER AND SERVANT (**Contract of service**).)

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Abbott v. Philbin, Roxburgh J. [1959] 1 W.L.R. 667.
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H.L.(E.) [1961] A.C. 352; [1960] 3 W.L.R. 255.

———— Valuation—Cost or value in hands of recipient—Gift from employer of new suit of clothes—Whether employee taxable on second-hand value only of suit—Income Tax Act, 1952, Sch. 9, r. 1.
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Perquisites or profits—" Earned income "—Special contribution—Shares issued to employees of company as incentive to work—Right to require shares to be given up on cessation of employment—Income Tax Act, 1918, s. 14 (3) (*b*)—Finance Act, 1948, ss. 47 (1), 48, 49 (1).
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———————— Professional huntsman—Whether gifts received from hunt followers and others at Christmas time " profits of his employment "—Whether such gifts taxable —Income Tax Act, 1952, s. 156, Sch. E, paras. 1 and 2; Sch. 9, Rules applicable to Sch. E, r. 1. **Wright v. Boyce,** Vaisey J. [1958] 1 W.L.R. 593.
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Voluntary payment—Transfer of shares—Transfer in compliance with wishes of deceased shareholder—Transfer expressed to be in consideration of transferee remaining in service of the company—Whether nature of transfer changed by deed so as to make shares taxable—Schedule E—Income Tax Act, 1952, s. 156, Sch. 9, r. 1.
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C.A. [1957] 1 W.L.R. 674.

Evasion. See CRIME (**Fraud**).

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Income tax—*continued.*

Excess rents. See Rent.

Expenses

Army officer—Expenses including mess subscription—Whether "wholly, exclusively and "necessarily" laid out in performance of duties as officer—Income Tax Act, 1918, Sch. E, r. 9. **Lomax v. Newton. Griffiths v. Mockler,** Vaisey J. [1953] 1 W.L.R. 1123.

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Meals—Moneys paid by local authority to local government officer for evening meal when working extra hours—Whether expenditure of money on evening meal incurred "wholly, "exclusively and necessarily" in performance of duties of office or employment—Income Tax Act, 1952, Sch. 9, rr. 5, 9.
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Medical specialist. *See* Two-job man.

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Travel expenses—Husband and wife company—Company dealing in refrigeration—Visit to Australia to study refrigeration methods—"Personal equipment"—Husband's travel expenses allowable—No evidence wife's visit for purposes of company's business—Wife's expenses not allowable—Income Tax Act, 1952, 9th Sched., para. 7.
Maclean v. Trembath, Roxburgh J. [1956] 1 W.L.R. 437.

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Foreign income

Remittance to United Kingdom—Cheques drawn in dollars on foreign bank—Purchase by English bankers—Sterling equivalent credited in England—Foreign currency transferred by purchasers to Bank of England—Whether income from foreign securities or possessions—Income Tax Act, 1918, Sch. D, 1 (*a*) (i), Cases IV, r. 2, and V, r. 2.
Thomson v. Moyse, Wynn-Parry J. [1958] 1 W.L.R. 1063. C.A. [1959] Ch. 464; [1959] 2 W.L.R. 577. H.L.(E.) [1960] 3 W.L.R. 929.

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Inland Revenue Comrs. v. Gordon, H.L.(Sc.) [1952] A.C. 552; [1952] 1 T.L.R. 913; [1952] 1 All E.R. 866.

Foreign possession or security

Mortgage—Interest in arrear—Mortgage bonds cancelled—Sum equal to interest arrears paid thereafter—Income Tax Act, 1918, Sch. D, Case IV, Case V.
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Income tax—*continued.*

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"Free of tax" payments

Maintenance—High Court—Order—"£52 per annum free of tax"—Small maintenance payment—Effect of order—Income Tax Act, 1952, ss. 205, 206.
Jefferson v. Jefferson, C.A. [1956] P. 136; [1955] 3 W.L.R. 1001.

Maintenance order by Divorce Division—Payments free of tax—Husband resident abroad—No evidence that tax deducted from payments—Wife not liable to deduction of tax—Income Tax Act, 1918, All Schedules Rules, rr. 19, 21.
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Provision made before September 3, 1939—Covenant to pay annuity after death of husband in marriage settlement made before September 3, 1939—Death of husband in 1953—"Provision"—When "made"—Income Tax Act, 1952, s. 486.
In re **Westminster's Deed of Appointment,** C.A. [1959] Ch. 265; [1959] 2 W.L.R. 299.

———————————— Direction to set aside and accumulate £1,500 annually free of tax—Whether setting aside a "payment"—Finance Act, 1941, s. 25 (1). *In re* **Banbury, decd.,** Danckwerts J. [1951] Ch. 1.

Income. See Capital.

"Interest of money"

Interest awarded in Admiralty Court—Income Tax Act, 1952, ss. 169, 170.
The Norseman, Lord Merriman P. [1957] P. 244; [1957] 3 W.L.R. 263.

Statutory payment calculated as sum equal to interest on compensation to which it is added—Coal Industry Nationalization Act, 1946, s. 22 (2) (*a*)—Income Tax Act, 1918, Sch. D. Case III, r. 1 (*a*).
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Investment allowance

Shoe and slipper manufacturers—Replacement of knives and lasts—Whether "plant"—Whether expenditure on replacement of capital expenditure—Income Tax Act, 1952, ss. 137, 279, 280, 330—Finance Act, 1954, s. 16.
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"Mills factories or other similar premises"—Application to an entire gas works—Application to individual buildings—Finance Act, 1937, s. 15—Income Tax Act, 1945, ss. 2 (1), 7 (3).
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C.A. [1950] 1 All E.R. 93.
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[1956] 3 W.L.R. 389.

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J.C. [1954] A.C. 182; [1954] 2 W.L.R. 186.

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C.A. [1960] Ch. 475; [1960] 2 W.L.R. 825.

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C.A. [1957] Ch. 367; [1957] 2 W.L.R. 672.

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Stock in trade

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Danckwerts J. [1953] 1 W.L.R. 1385.

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Transfer of assets to company incorporated abroad

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Value payments—Property dealing company—Whether profits or gains for income tax purposes—Income Tax Act, 1918, Sch. D, Case I—War Damage Act, 1943, ss. 36, 66, 79, 80—War Damage (Public Utility Undertakings, etc.) Act, 1949, s. 28 (1) (4).
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Upjohn J. [1956] 1 W.L.R. 858.
C.A. [1957] 1 W.L.R. 116.
H.L.(E.) [1959] A.C. 199; [1958] 2 W.L.R. 842.

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[1953] 3 W.L.R. 120.

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Montreal Corp. v. Sun Life Assurance Co. of Canada, J.C. [1951] W.N. 575.

Personal property tax

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Plant and equipment used in government construction contract—Crown "the owner" of the plant—Assessee "in legal possession"—Appeal provisions—Res judicata—Exempt items included in non-itemised assessment—Assessment invalid in toto—The Assessment Act (Alberta), R.S.A., 1942, c. 157 (as amended to 1945), ss. 4, 5 (*o*) (*z*), 26 (1) (*l*), 35, 47—Municipal District Act (Alberta), R.S.A., 1942, c. 151 (as amended to 1948), s. 288—British North America Act, 1867, s. 125.
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Pool betting duty

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Capitalisation of profits followed by liquidation and reconstruction—Distribution of surplus assets by liquidator—Direction by commissioners of basis of computation of profits tax liability—Whether main purpose of transaction avoidance or reduction of tax liability—No determination of last accounting period—Whether direction premature—Liability of company to profits tax—Finance Act, 1937, s. 20 (2) (*b*)—Finance Act, 1947, ss. 35 (1), 36 (1) (4); Finance Act, 1951, s. 32 (1) (3) (4).
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S. Berendsen Ltd. v. Inland Revenue Comrs., Wynn-Parry J. [1957] 2 W.L.R. 447; C.A. [1958] Ch. 1; [1957] 3 W.L.R. 164.

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Inland Revenue Comrs. v. Silverts Ltd., C.A. [1951] Ch. 521; [1951] 1 T.L.R. 593; [1951] 1 All E.R. 703.

" *Distribution* "

Director-controlled company—Royalties paid to director for licence to manufacture patented article—Genuine commercial transaction—Whether payments made by way of " remuneration, loans or otherwise "—Whether " distributions "—Finance Act, 1947, s. 36 (1) (*c*). **Inland Revenue Commissioners v. H. Dunning & Co. (1946) Ltd.,** Cross J. [1960] 1 W.L.R. 1106.

Distribution of shares as special dividend or bonus—Dividend for purpose of profits tax—Not " expressed to be paid " in period alleged by taxpayer—Finance Act, 1947, ss. 30, 35, 36. **Lamson Paragon Supply Co. Ltd. v. Inland Revenue Comrs.,** Harman J. [1951] W.N. 470; [1951] 2 T.L.R. 723.

Distribution of surplus arising from realisation of capital—Whether distribution of profits for profits tax purposes—Finance Act, 1947, ss. 30, 34, 35, 36.
Inland Revenue Comrs. v. Bell and Nicholson Ltd., Donovan J. [1952] W.N. 61; [1952] 1 T.L.R. 301; [1952] 1 All E.R. 428.

Income stock—Interest on income stock payable only so far as net profits sufficient—Whether interest deductible in computing company's profits for purposes of profits tax—Not a " distribution "—Finance Act, 1937, ss. 19 (1), 20 (1); Sch. IV, para. 4—Finance (No. 2) Act, 1940, s. 14 (1). **Inland Revenue Comrs. v. Pullman Car Co. Ld.,** Harman J. [1954] 1 W.L.R. 1029.

Preference shares redeemed at a premium—Premium not a " distribution " for purposes of profits tax—Sum applied in reducing share capital—Finance Act, 1947, s. 36 (1), proviso. **Inland Revenue Comrs. v. Universal Grinding Wheel Co. Ld.,** Upjohn J. [1953] Ch. 499; [1953] 3 W.L.R. 29; C.A. [1954] Ch. 117; [1954] 2 W.L.R. 37. H.L.(E.) [1955] A.C. 807; [1955] 2 W.L.R. 892.

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Inland Revenue Comrs. v. Pollock & Peel Ltd. (In Liquidation), Upjohn J. [1956] 1 W.L.R. 951. C.A. [1957] 1 W.L.R. 822.

Distribution charge

Chargeable accounting period—Trading company—Trading loss exceeding franked investment income—Distributions smaller than franked investment income—" Profits computed without abatement and including franked investment income "—Meaning of " including "—Whether investment income to be added to nil trading profits—Finance Act, 1947, ss. 30, 32 (1), 34 (2).
Inland Revenue Comrs. v. South Georgia Co. Ltd., H.L.(Sc.) [1958] A.C. 599; [1958] 2 W.L.R. 492.

Investment company

Direction by Special Commissioners—Computation of company's actual income—Deduction of amount payable by company for profits tax—Whether profits tax " payable "

REVENUE—*continued.*

Profits tax (*Investment company*)—*continued.*

before election—When tax "falls to be computed"—Whether direction required if nil actual income—"Payable"—Finance Act, 1947, s. 31 (3)—Finance Act, 1952, s. 68—Income Tax Act, 1952, s. 262.
Income Tax Special Comrs. v. Linsleys (Established 1894) Ltd., Divl.Ct. [1956] 3 W.L.R. 854.
C.A. [1957] 2 Q.B. 78; [1957] 2 W.L.R. 654.
H.L.(E.) [1958] A.C. 569; [1958] 2 W.L.R. 292.

Nationalized industry

Compensation—Dividends paid by subsidiary, a former colliery company in receipt of interim income payments—Subsidiary company remaining in being solely to receive compensation—Whether had "function" of holding property—Dividends received by parent company not "franked investment income"—Finance Act, 1937, s. 19 (4), Sch. 4 (1A), para. 7 (as substituted by Finance Act, 1947, s. 32 (1)).
Henry Briggs, Son & Co. Ltd. v. Inland Revenue Comrs., C.A. [1960] 1 W.L.R. 532.

Compensation—Interim income payments—Income from "other property"—Liable to profits tax—Finance Act, 1937, Sch. IV, para. 7—Coal Industry (Nationalization) Act, 1946, ss. 19, 22 (2), (3), (4)—Coal Industry (No. 2) Act, 1949, s. 1 (2).
Inland Revenue Comrs. v. Butterley Co. Ld., Roxburgh J. [1954] 1 W.L.R. 1199.

Principal and subsidiary company

Grouping notice—Subsequent exemption of principal company from profits tax—Whether subsidiary assessable to profits tax—Finance Act, 1922, s. 21—Finance Act, 1937, ss. 19, 22 (1) (2)—Finance Act, 1947, s. 31 (2).
Heelex Investments Ld. v. Inland Revenue Commissioners, Upjohn J. [1954] 1 W.L.R. 1368.
C.A. [1955] 1 W.L.R. 289.

——— Sums paid to principal company by subsidiary "by way of reimbursement of profits tax"—Amount deductible for income tax—Finance Act, 1937, s. 22—Finance Act, 1947, s. 38 (3).
Chloride Batteries Ltd. v. Gahan, C.A. [1955] 1 W.L.R. 277.
H.L.(E.) [1956] 1 W.L.R. 391.

Residence. See RESIDENCE.

Separate trades

Nationalized industry—Company carrying on colliery undertaking and other separate trades—Colliery undertaking nationalized—Compensation—Interim income payments—"Profits arising from the trade or business"—Finance Act, 1937, s. 19 (1), Sch. IV, para. 7—Coal Industry (Nationalisation) Act, 1946, ss. 19, 22 (2), (3) (4)—Finance Act, 1947, ss. 31, 32, 43—Coal Industry (No. 2) Act, 1949, s. 1 (2).
Inland Revenue Comrs. v. Butterley Co. Ld., C.A. [1955] Ch. 453; [1955] 2 W.L.R. 785.
H.L.(E.) [1957] A.C. 32; [1956] 2 W.L.R. 1101.

Purchase tax

Army vehicle

Conversion into shooting brake—Liability to tax—Finance (No. 2) Act, 1940, ss. 18 (1), 19 (1), Sch. VII, No. 23—Finance Act, 1946, s. 16 (1) (3), Sch. IV—Purchase Tax (Charges) (No. 1) Order, 1947.
Coleborn (T.) & Sons Ltd. v. Blond, C.A. [1951] 1 K.B. 43.

Double taxation

Cloth—Purchase by wholesaler from wholesaler—Relief against double taxation—Finance Act, 1944, s. 15.
Customs and Excise Comrs. v. Rensop Drapers Ltd., C.A. [1951] W.N. 128; [1951] 1 All E.R. 450.

Fraudulent evasion. See CRIME (**Fraud**).

Model aircraft constructional kits: Parts of model aircraft

"Toys and games . . . and appliances, apparatus, accessories and requisites for sports, games, amusements . . . including parts thereof and accessories thereto"—Chargeability—Finance Act, 1948, s. 20; Sch. VIII, group 20.
Customs and Excise Comrs. v. E. Keil & Co. Ltd., Croom-Johnson J. [1951] 1 K.B. 469.

"*Pictures*"

Pictorial coupons given away with goods—Free gift for collection of series—Dual purpose—Not choses in action—Liability to tax—Finance Act, 1948, Sch. VIII, group 25.
Stephenson Brothers Ld. v. Customs and Excise Comrs., Roxburgh J. [1953] 1 W.L.R. 335.

Special contribution

Investment income

Annuity payable to trustee included in assessment—"Investment income"—"Earned income"—Whether trusteeship an office of profit—Income Tax Act, 1918, s. 14 (3)—Finance Act, 1948, ss. 47, 49, 68 (2).
Dale v. Inland Revenue Comrs., Harman J. [1951] Ch. 893; [1951] 2 T.L.R. 522; [1951] 2 All E.R. 517.
C.A. [1952] Ch. 704; [1952] 1 T.L.R. 1566; [1952] 2 All E.R. 89.
H.L.(E.) [1954] A.C. 11; [1953] 3 W.L.R. 448.

REVENUE—*continued.*

Special contribution (*Investment income*)—*continued.*

Tenant farmer paying rent to wife—Schedule A assessment—Farm let to partners, landlord being a partner—Finance Act, 1948, ss. 47, 48, 49 (2) (*b*).
Worth v. Inland Revenue Comrs. Inland Revenue Comrs. v. Hay, C.A. [1953] 1 W.L.R. 584.

Limitation of assessment

Whether special contribution assessment to be made not later than six years after end of year of assessment—Whether assessment must be made on executors not later than third year next following year of assessment in which deceased person died—Finance Act, 1948, ss. 47, 55, 65, 68—Special Contribution Regulations, 1948, arts. 4, 5.
Beauchamp's Executors v. Inland Revenue Commissioners, Wynn-Parry J. [1957] 1 W.L.R. 549.

Relief

Income attributable to a period of years—More than one year's income in year of charge—"Full year's income"—Finance Act, 1948, s. 61.
Fenwick v. Inland Revenue Comrs., H.L.(E.) [1953] 1 W.L.R. 1039.

Stamp duty

Capital duty

Exemption—Increase of capital of English company for acquisition of share capital of foreign company—Whether foreign company an "existing company"—Northern Ireland—Stamp Act, 1891, ss. 112, 113—Finance Act, 1927, s. 55.
Nestlé Co. Ld. v. Inland Revenue Comrs., C.A. [1953] Ch. 395; [1953] 2 W.L.R. 786.

Charity. See CHARITY.

Conveyance or transfer on sale

Company having contracted for purchase of property agrees to re-sell to second company—Conveyance to second company by executors of original vendor when first company beneficial owner of not less than 90 per cent. of other company's share capital—Whether "the effect" of conveyance to transfer a beneficial interest from one company to another—Whether conveyance executed in pursuance or in connexion with arrangement whereunder beneficial interest had been previously conveyed or transferred—Stamp Act, 1891, ss. 54, 58 (4), Sch. I—Finance Act, 1930, s. 42—Finance Act, 1938, s. 50.
Escoigne Properties Ltd. v. Inland Revenue Comrs., C.A. [1957] 1 W.L.R. 174.
H.L.(E.) [1958] A.C. 549; [1958] 2 W.L.R. 336.

Oral agreement for sale of reversionary interest to tenant for life—Subsequent deed of transfer—Effect of oral agreement—Stamp Act, 1891, s. 54—Law of Property Act, 1925, s. 53 (1) (*c*).
Oughtred v. Inland Revenue Comrs., Upjohn J. [1958] Ch. 383; [1958] 2 W.L.R. 174.
C.A. [1958] Ch. 678; [1958] 3 W.L.R. 64.
H.L.(E.) [1960] A.C. 206; [1959] 3 W.L.R. 898.

Transfer by two documents—Agreement to sell shares and deed of transfer—Consideration payable over 125 years—Whole amount due if instalment not paid—Whether duty on agreement as "primary security for . . . sums of money at stated periods"—Whether duty on transfer payable on whole amount ultimately transferable—Interest on stamp duty repaid—Stamp Act, 1891, ss. 13 (1) (4), 56 (2) (4), Sch. 1, para. 1—Law Reform (Miscellaneous Provisions) Act, 1934, s. 3.
Western United Investment Co. Ltd. v. Inland Revenue Comrs., Upjohn J. [1958] Ch. 392; [1958] 2 W.L.R. 192.

Court fees

Petition under Romilly's Act—Whether court fees chargeable—Charities Procedure Act, 1812, s. 3. *In re* **Elsie Inglis (London) Memorial Fund,** Harman J. [1954] 1 W.L.R. 407.

Gifts inter vivos

Settlement—Copyright in settlor's books—Assignment to trustees in favour of children—Facts affecting liability to be fully and truly set forth in instrument—Value of property not disclosed—Power of commissioners to require full facts—Stamp Act, 1891, ss. 5, 12 (2)—Finance Act, 1910, s. 74.
Rex v. Inland Revenue Comrs. *Ex parte* **Evill,** Divl.Ct. [1951] W.N. 502; [1951] 2 T.L.R. 857.

——— Oral settlements in favour of grandchildren—Transfer of company shares to trustees as nominees—Oral direction to trustees to hold shares on trusts of settlements—Subsequent declarations of trust by trustees—Whether voluntary dispositions liable to ad valorem duty—Finance (1909–10) Act, 1910, s. 74—Law of Property Act, 1925, s. 53 (1) (*c*).
Grey v. Inland Revenue Comrs., Upjohn J. [1958] Ch. 375; [1958] 2 W.L.R. 168.
C.A. [1958] Ch. 690; [1958] 3 W.L.R. 45.
H.L.(E.) [1960] A.C. 1; [1959] 3 W.L.R. 759.

Nationalized undertaking

Loan capital—Finance Act, 1899, s. 8 (5)—Finance Act, 1946, s. 52—Gas Act, 1948, s. 17 (3) (*b*). **Studholme v. South Western Gas Board,** Lynskey J. [1954] 1 W.L.R. 313.

REVENUE—*continued.*

Stamp duty—*continued.*

Security

Agreement to provide broadcasting programmes Fluctuating payments—Specified sums payable, variable on a contingency—Whether liable to ad valorem duty—Stamp Act, 1891, First Schedule.
Independent Television Authority and Associated-Rediffusion Ltd. v. Inland Revenue Comrs., Wynn-Parry J. [1958] 1 W.L.R. 943.
C.A. [1959] 1 W.L.R. 259.
H.L.(E.) [1961] A.C. 427; [1960] 3 W.L.R. 48.

Contract for sale—Supplemental guarantee by bank—Contract not a primary document—Whether guarantee "primary security"—Stamp Act, 1891, Sch. 1.
Henry Ansbacher & Co. v. Inland Revenue Comrs., Danckwerts J. [1960] 1 W.L.R. 337.

"Series of transactions"

Finance (1909–10) Act, 1910, s. 73. **R. J. Reuter Co. Ld. v. Mulhens,** C.A. [1954] Ch. 50; [1953] 3 W.L.R. 789.

Time of stamping

"At or before the time of execution"—Meaning of "at"—Contract—Sale of goods—"Local contract note"—"Memorandum of an agreement"—Not a broker's note"—Exemption from stamp duty—Admissible in evidence—Sale of Goods Decree (Laws of Zanzibar, 1934, c. 81), s. 3 (1)—Stamp Decree, 1940 (No. 5 of 1940) (Zanzibar), ss. 4, 19, 39; 1st Sch., arts. 5 (1) (*a*), 41.
M. Takim & Co. v. Yelji, J.C. [1955] A.C. 617; [1955] 2 W.L.R. 991.

Unstamped document admitted in evidence in court below

Duty of Court of Appeal—Stamp Act, 1891, s. 14.
Routledge v. McKay, C.A. [1954] 1 W.L.R. 615.

Surtax

Company

Apportionment of undistributed income pursuant to surtax direction—"In accordance "with . . . interests of members"—Meaning—Part of income to be carried to fund for redemption of preference shares—Whether preference shareholders' "interests" included such sums—Investment company—Finance Act, 1922, s. 21, Sch. I, paras. 8, 10. **Wigram Family Settled Estates Ltd. (In Liquidation) v. Inland Revenue Comrs.,** C.A. [1957] 1 W.L.R. 233.
H.L.(E.) [1958] 1 W.L.R. 213.

———— Effect—Settlement of shares on child by father—Notional distribution of dividend—Whether assessable as income of father—Meaning of "deemed"—East African Income Tax (Management) Act, 1952, ss. 22, 24.
Houry v. Commissioner of Income Tax, J.C. [1960] A.C. 36; [1959] 3 W.L.R. 874.

———— Subsequent distribution of sums greater than available net profits of relevant years—Extent of relief—Income Tax Act, 1952, ss. 245, 249 (5).
Inland Revenue Comrs. v. Hudspeth, Vaisey J. [1959] 1 W.L.R. 948.

Balancing charge—"Actual income"—Whether balancing charge part of "actual "income" for company surtax purposes—Income Tax Act, 1952, ss. 245, 255 (3), 292, 323. **Inland Revenue Comrs. v. Wood Brothers (Birkenhead) Ltd.,** H.L.(E.) [1959] A.C. 487; [1959] 2 W.L.R. 47.

Company in liquidation—Broken period from accounting period to liquidation—Undistributed profits deemed available for distribution—Reasonableness of withholding income from distribution—Finance Act, 1922, s. 21 (1)—Finance Act, 1927, s. 31 (1), (4).
A. & J. Mucklow Ld. v. Inland Revenue Comrs., C.A. [1954] Ch. 615; [1954] 3 W.L.R. 129.

Direction that company's income be treated as members' income—Apportionment to member—Married woman living with husband—Assessment to surtax in respect of income so treated—Assessment made on husband of member—Income Tax Act, 1918, General Rules Applicable to All Schedules, r. 16—Finance Act, 1922, s. 21 (1).
Inland Revenue Comrs. v. Barclays Bank Ltd., H.L.(E.) [1951] A.C. 421; [1951] 1 T.L.R. 280; [1951] 1 All E.R. 1.

Investment company—Direction by special commissioners—Computation of company's actual income—Deduction of amount payable by company for profits tax—Whether profits tax "payable" before election—Finance Act, 1947, s. 31 (3)—Whether direction required if nil actual income—"Payable"—Finance Act, 1952, s. 68—Income Tax Act, 1952, s. 262. **Reg. v. Income Tax Special Comrs., *Ex parte* Linsleys (Established 1894) Ltd.,** Divl.Ct. [1956] 3 W.L.R. 854.
C.A. [1957] 2 Q.B. 78; [1957] 2 W.L.R. 654.
Income Tax Special Comrs. v. Linsleys (Established 1894) Ltd., H.L.(E.) [1958] A.C. 569; [1958] 2 W.L.R. 292.

Subsidiary company—Direction that company's income be treated as members' income—Shares held by three companies—"Management" share held jointly in beneficial ownership by two companies—Whether "control"—Whether a "subsidiary company" —Finance Act, 1922, s. 21 (6)—Finance Act, 1936, s. 19 (1) (*a*)—Finance Act, 1937, s. 14 (1)—Income Tax Act, 1952, ss. 245, 256.
Inland Revenue Comrs. v. Harton Coal Co. Ltd., Pennycuick J. [1960] Ch. 563; [1960] 3 W.L.R. 414.

REVENUE—*continued.*

Surtax (*Company*)—*continued.*

Undistributed profits—Exemption—Company "in which the public are substantially interested"—"The public"—Distinguished from controlling interest—No implication from family relationship—Shareholder member of public becoming director—Income Tax Ordinance, No. 8 of 1940 (Uganda) (as amended by section 5 of Ordinance No. 11 of 1943), s. 21 (1), proviso (*b*), (2).
Commissioner of Income Tax v. Bjordal, J.C. [1955] A.C. 309; [1955] 2 W.L.R. 342.

———— Shares issued out of surplus assets—Redemption of shares—Shares issued for consideration but not adequate consideration—Deemed to be income of the members of the company—Finance Act, 1922, s. 21—Finance Act, 1927, s. 31 (1)—Finance Act, 1936, s. 19 (4).
Inland Revenue Commissioners v. Thornton, Kelley & Co. Ltd., Wynn-Parry J. [1957] 1 W.L.R. 482.

Settlement. (*See also* **Income tax.**)

"Body corporate connected with the settlement"—Company making payments on behalf of settlor—Sums "paid directly or indirectly . . . to the settlor"—Payment made "by way of loan"—Sums chargeable to surtax—Finance Act, 1938, ss. 40 (1) (3) (5), 41 (4) (*e*). **Potts' Executors v. Inland Revenue Comrs.,** H.L.(E.) [1951] A.C. 443; [1951] 1 T.L.R. 152; [1951] 1 All E.R. 76.

Total income

Annual payments—Deductions from total income—Maintenance payments to person out of jurisdiction ordered by foreign court—Income Tax Act, 1918 (8 & 9 Geo. 5, c. 40), s. 27, Sch. V, No. XVII, All Sch. Rules, Nos. 19, 21—Finance Act, 1927, ss. 38 (2), 39 (3). **Bingham v. Inland Revenue Commissioners,** Harman J. [1956] Ch. 95; [1955] 3 W.L.R. 663.

Tax avoidance scheme. *See also* MASTER AND SERVANT (**Remuneration**); TRUSTS (**Variation**).

Contract of service. *See* MASTER AND SERVANT (**Remuneration**) (*Weekly salary and expense allowance*).

Criminal law. *See also* CRIME (**Fraud**).

Not a criminal conspiracy. **Regina v. Newland,** C.C.A. [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826.

Power of appointment. *See* POWER OF APPOINTMENT (**Fraud**).

Private company

Special dividend—Share transactions—"Arrangement" resulting in increase of capital of company and capital payment to shareholders—Purpose and effect of avoiding liability for tax. **Newton v. Australian Commissioner of Taxes,** J.C. [1958] A.C. 450; [1958] 3 W.L.R. 195.

Settlement. *See* HUSBAND AND WIFE (**Settlement** (*Variation*)).

RHODESIA. *See* NORTHERN RHODESIA.

RIGHT OF WAY

See **EASEMENT**; HIGHWAY.

RIVER POLLUTION

See MAINTENANCE OF SUIT; NUISANCE.

ROAD

See HIGHWAY; ROAD TRAFFIC.

ROAD TRAFFIC. (*See also* TRANSPORT.)

Articulated vehicle. *See* **Special type of vehicle.**

Careless driving

Question of fact for justices

Road Traffic Act, 1930, s. 12 (1).
Gibbons v. Kahl, Divl.Ct. [1956] 1 Q.B. 59; [1955] 3 W.L.R. 596.
Simpson v. Peat, Divl.Ct. [1952] 2 Q.B. 24; [1952] 1 T.L.R. 469; [1952] 1 All E.R. 447.

Summons, application for

Decision as to appropriate charge—Whether matter for justices or prosecution—Police applying for summons for careless driving—Justices insisting on summons for dangerous driving—Road Traffic Act, 1930, ss. 11, 12.
Regina v. Nuneaton Justices. *Ex parte* **Parker,** Divl.Ct. [1954] 1 W.L.R. 1318.

"Carriage." (*See also* **Drunk in charge of.**)

Meaning

Tractor—Trailer—Wharfage—Statutory charges—Jamaica—"Heavy packages"—Wharfage Law, 1895 (c. 231 Rev. Laws of Jamaica, 1938; c. 412 of 1953 Revision), ss. 12, 16 (9); Sch. A.
Kingston Wharves Ltd. v. Reynolds Jamaica Mines Ltd., J.C. [1959] A.C. 187; [1959] 2 W.L.R. 40.

ROAD TRAFFIC—*continued.*

Dangerous condition

Causing motor vehicle to be used in a

Group Manager of Road Haulage Executive charged—No personal knowledge of defect—Road Traffic Act, 1930—Motor Vehicles (Construction and Use) Regulations, 1947, reg. 67. **Rushton v. Martin,** Divl.Ct. [1952] W.N. 258.

Defective braking system

Vicarious liability—Defect due to fault of company's servants—Whether company "permitted" the use of vehicle—Mens rea—"User" of vehicle by company—Absolute offence—"Permitted"—Road Traffic Act, 1930, s. 3 (1)—Motor Vehicles (Construction and Use) Regulations, 1951, regs. 75, 101.
James & Son v. Smee. Green v. Burnett, Divl.Ct. [1955] 1 Q.B. 78. [1954] 3 W.L.R. 631.

Sale of motor-vehicle

Mechanical defects—"Not fit for use on the road"—Whether sale unlawful—Defects in construction and equipment—Defects in use and maintenance—Road Traffic Act, 1930, s. 3 (1)—Road Traffic Act, 1934, s. 8 (1)—Motor Vehicles (Construction and Use) Regulations, 1951. **Vinall v. Howard,** Streatfeild J. [1953] 1 W.L.R. 987; C.A. [1954] 1 Q.B. 375; [1954] 2 W.L.R. 314.

User of motor vehicle in

Condition due to negligent repair by garage mechanics—Unwitting use on road by owner—Whether garage proprietor criminally liable—Whether garage proprietor "caused" vehicle to be used on road in dangerous condition—"Causes or permits "to be used"—Motor Vehicles (Construction and Use) Regulations, 1951, regs. 72 (1), 101. **Shave v. Rosner,** Divl.Ct. [1954] 2 Q.B. 113; [1954] 2 W.L.R. 1057.

Dangerous driving. (*See also* **Notice of intended prosecution.**)

Automatism

Defence of—Relevance of intention—Burden of proof—Road Traffic Act, 1930, ss. 11 (1), 49 (*b*). **Hill v. Baxter,** Divl.Ct. [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76.

Manslaughter

Jury acquit of manslaughter, disagree as to dangerous driving—Issue of lesser charge transferred to quarter sessions—Jurisdiction of quarter sessions—Road Traffic Act, 1934, s. 34. *In re* **Shipton,** Divl.Ct. [1957] 1 W.L.R. 259.

Disqualification

Conditional discharge

Third party insurance—User of uninsured vehicle—No special reasons for not disqualifying—Conditional discharge inappropriate—Road Traffic Act, 1930, s. 35—Criminal Justice Act, 1948, ss. 7 (1), 12 (2).
Surtees v. Benewith, Divl.Ct. [1954] 1 W.L.R. 1335.
Dennis v. Tame, Divl.Ct. [1954] 1 W.L.R. 1338n

Driving while disqualified. (*See also* **Third party insurance.**)

Absolute prohibition—Notice of disqualification not read—Road Traffic Act, 1930, s. 7 (4).
Taylor v. Kenyon, Divl.Ct. [1952] W.N. 478; [1952] 2 All E.R. 726.

Conviction for other offences—Offence under Road Traffic Act taken into consideration when passing sentence for other offences—Jurisdiction of court—Road Traffic Act, 1930, s. 7 (4). **Regina v. Simons and Simons,** C.C.A. [1953] 1 W.L.R. 1014.

Limitation of disqualification to vehicles of a particular description—"Class or description"—Road Traffic Act, 1930, s. 6.
Petherick v. Buckland, Divl.Ct. [1955] 1 W.L.R. 48.

Sentence of imprisonment—Defendant aged 20—Effect of Criminal Justice Act, 1948—Road Traffic Act, 1930, s. 7 (4)—Criminal Justice Act, 1948, s. 17 (2)—Magistrates' Courts Act, 1952, s. 107 (2).
Davidson-Houston v. Lanning, Divl.Ct. [1955] 1 W.L.R. 858.

———————— Period for which disqualification should be imposed—Road Traffic Act, 1930, s. 7 (4). **Regina v. Phillips,** C.C.A. [1955] 1 W.L.R. 1103.

———————— "Special circumstances" justifying imposition of fine—Sudden emergency—Road Traffic Act, 1930, s. 7 (4).
Aichroth v. Cottee, Divl.Ct. [1954] 1 W.L.R. 1124.

Power to vary

Road Traffic Act, 1930, ss. 6, 7 (3). **Regina v. Cottrell,** Assizes [1956] 1 W.L.R. 70.
Regina v. Cottrell (No. 2), C.C.A. [1956] 1 W.L.R. 342.

Removal

Disqualification removed as from future date—Power to entertain subsequent application for immediate removal—Road Traffic Act, 1930, s. 7 (3).
Regina v. Manchester Justices. *Ex parte* **Gaynor,** Divl.Ct. [1956] 1 W.L.R. 280.

Special reasons or circumstances

Driving without licence—Unlicensed driver accompanied by instructor—Road Traffic Act, 1930, s. 35. **Evans v. Walkden,** Divl.Ct. [1956] 1 W.L.R. 1019.

Drunk in charge of motor-vehicle—Special reasons for not disqualifying—Evidence of special reasons—Statement insufficient—Road Traffic Act, 1930, s. 15.
Jones v. English, Divl.Ct. [1951] W.N. 552; [1951] 2 T.L.R. 973; [1951] 2 All E.R. 853.

ROAD TRAFFIC—*continued.*

Disqualification (*Special reasons or circumstances*)—*continued.*

Permitting uninsured vehicle to be driven on road—" Special circumstances " justifying lighter sentence—Defendant missed last train home—Similarity to " special reasons "—Special to offence not offender—Road Traffic Act, 1930, s. 7 (4).
Lines v. Hersom, Divl.Ct. [1951] 2 K.B. 682; [1951] 2 T.L.R. 481; [1951] 2 All E.R. 650.

——— Taxi accidentally not restored to cover after withdrawal for repair—Underwriters' acknowledgment of liability—" Special " reasons " for non-disqualification—Road Traffic Act, 1930, s. 35 (1) (2).
Pilbury v. Brazier, Divl.Ct. [1951] 1 K.B. 340.

Whether severable from conviction

Certiorari—Road Traffic Act, 1930, s. 12.
Reg. v. Arundel Justices. *Ex parte* **Jackson,** Divl.Ct. [1959] 2 Q.B. 89; [1959] 2 W.L.R. 798.

Drug, driving under influence of

Meaning of " drug "

Insulin—Whether a drug—Road Traffic Act, 1930, s. 15 (1).
Armstrong v. Clark, Divl.Ct. [1957] 2 Q.B. 391; [1957] 2 W.L.R. 400.

Drunk in charge of " carriage." (*See also* **" Carriage."**)

Bicycle

Whether bicycle a " carriage "—Licensing Act, 1872, s. 12.
Corkery v. Carpenter, Divl.Ct. [1951] 1 K.B. 102.

Drunk in charge of motor-vehicle. (*See also* **Disqualification** (*Special reasons*).)

" In charge "

Motor-cycle—Intention of friends to prevent defendant riding—Road Traffic Act, 1930, s. 15. **Haines v. Roberts,** Divl.Ct. [1953] 1 W.L.R. 309.

Express carriage. *See* **Public service vehicle.**

Failure to stop after accident

Identification

Accident caused by motor-lorry without stopping—Number of lorry written down by wife of eye-witness—Wife not called—Identification of vehicle incomplete.
Grew v. Cubitt, Divl.Ct. [1951] 2 T.L.R. 305.

Goods vehicle. (*See also* **Licence; Speed limit.**)

Working time

Excessive period of driving—Driver handling parcels as a sorter after driving—Whether time spent on " work in connection with a vehicle "—Road Traffic Act, 1930, s. 19.
Parkinson v. Axon, Divl.Ct. [1951] 2 K.B. 678; [1951] 2 All E.R. 647.

Heavy motor-car. (*See also* **Special type of vehicle.**)

Braking system

Six-wheeled lorry—Hand brake operated on two rear wheels only—Whether braking system complied with regulations—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 39 (1) and (7). **Langton v. Johnson,** Divl.Ct. [1956] 1 W.L.R 1322.

Marking

Convertible lorry—Flat lorry converted to cattle-carrying lorry by addition of container—Unladen weight of lorry without container under three tons—Unladen weight of lorry with container in excess of three tons—Whether " heavy motor-car "—" Alternative " body "—Information—Sufficiency—Road Traffic Act, 1930, ss. 2 (1), 26—Motor Vehicles (Construction and Use) Regulations, 1951, regs. 61, 63, 101.
Cording v. Halse, Divl.Ct. [1955] 1 Q.B. 63; [1954] 3 W.L.R. 625.

Overhang

Pantechnicon—Use with tailboard down—Alleged exess overhang—Road Traffic Act, 1930, s. 3 (1)—Motor Vehicles (Construction and Use) Regulations, 1947, regs. 3, 33.
Andrews v. H. E. Kershaw Ltd., Divl.Ct. [1952] 1 K.B. 70; [1951] 2 T.L.R. 867; [1951] 2 All E.R. 764.

Licence

Driving licence

Onus of proof—Not for prosecutor to prove that the defendant was not the holder of licence—Burden on defendant—Road Traffic Act, 1930, s. 4 (1).
John v. Humphreys, Divl.Ct. [1955] 1 W.L.R. 325.

Driving without. *See* **Third-party insurance.**

General trade licence

Use of motor-vehicle to draw caravan for delivery to purchaser—Whether authorised—" Purpose connected with business as a repairer of or dealer in mechanically propelled " vehicles "—Road Vehicles (Registration and Licensing) Regulations, 1949, reg. 29D (1) (3) (4). **Jelliff v. Harrington,** Divl.Ct. [1951] W.N. 74; [1951] 1 T.L.R. 324; [1951] 1 All E.R. 384.

Goods vehicle. (*See also* **Goods vehicle; Speed limit.**)

" A " carriers licence—25-mile radius—Failure to obtain necessary permit—Bona fide assurance by driver that permit granted—Contractor's duty to make inquiries—Road and Rail Traffic Act, 1933, s. 9 (1)—Transport Act, 1947, s. 52.
Davies, Turner & Co. Ld. v. Brodie, Divl.Ct. [1954] 1 W.L.R. 1364.

ROAD TRAFFIC—*continued.*

Licence (*Goods vehicle*)—*continued.*

"C" carriers licence—Carriage of coal by contractors from site to and from screening plant—Road and Rail Traffic Act, 1933, s. 1 (5) (*b*).
George Wimpey & Co. Ltd. v. John, Divl.Ct. [1951] 1 All E.R. 307.

——— ——————— Condition forbidding carriage of goods for hire or reward—Vehicle used by person other than licence-holder for carriage of goods for hire or reward—Failure to fix identity certificate—Both offences committed by the licence-holder—Road and Rail Traffic Act, 1933, ss. 2 (4) (5), 9—Goods Vehicles (Licences and Prohibitions) Regulations, 1936, reg. 12 (2).
Lloyd v. E. Lee Ltd., Divl.Ct. [1951] 2 K.B. 121; [1951] 1 T.L.R. 624; [1951] 1 All E.R. 589.

Estate car—Excise duty—Photographer using car for carriage of photographic equipment—"Goods"—Vehicles (Excise) Act, 1949, ss. 13 (1), 27 (1)—Finance Act, 1952, s. 7 (2). **Taylor v. Thompson,** Divl.Ct. [1956] 1 W.L.R. 167.

——————— Land Rover constructed for the carriage of goods—Goods carried on attached trailer but not on vehicle itself—"Used for the conveyance of goods"—Vehicles (Excise) Act, 1949, ss. 5, 13, 27. **James v. Davies,** Divl.Ct. [1953] 1 Q.B. 8; [1952] 2 T.L.R. 662; [1952] 2 All E.R. 758.

Haulage—Vehicle carrying loose tools and equipment and fixed iron block as ballast when drawing loads—Haulage not "goods vehicle"—Fixed block included in unladen weight—Finance Act, 1933, s. 25, Sch. VII, paras. 4 (*e*), 5 (*c*)—Road Traffic Act, 1930, s. 26.
London County Council v. Hay's Wharf Cartage Co. Ld., Gorman J. [1953] 1 W.L.R. 677.

Hire of vehicle—Owner of vehicle holding "B" licence limiting distance for carriage of goods—Vehicle and driver hired to holder of "C" licence permitting use for unlimited distance—Liability of owner for breach of conditions of "B" licence while on hire—Road and Rail Traffic Act, 1933, s. 1 (3).
Sykes v. Millington, Divl.Ct. [1953] 1 Q.B. 770; [1953] 2 W.L.R. 973.

Inter-State trade—To be "absolutely free"—Licensing provisions invalid—Stare decisis.
Hughes and Vale Proprietary Ld. v. State of New South Wales, J.C. [1955] A.C. 241; [1954] 3 W.L.R. 824.

Lime-spreader—Used for carrying lime and spreading on agricultural land—Whether "agricultural engine" or "goods vehicle"—Vehicles (Excise) Act, 1949, ss. 4 (1), (2) (*a*), 5, 27—Finance Act, 1950, s. 13, Sch. III.
Regina v. Berkshire County Council. *Ex parte* **Berkshire Lime Co. (Childrey) Ld.,** Divl.Ct. [1953] 1 W.L.R. 1146.

Shooting brake—Vehicle licensed under goods carrier's "C" licence—Vehicle used solely for the carriage of passengers—Whether subject to speed limit applicable to goods vehicles—Road Traffic Act, 1930, s. 10, Sch. I—Road Traffic Act, 1934, Sch. I—Road and Rail Traffic Act, 1933, ss. 8, 9—Motor Vehicles (Variation of Speed Limit) Regulations, 1950, r. 2. **Blenkin v. Bell,** Divl.Ct. [1952] 2 Q.B. 620; [1952] 1 T.L.R. 1216; [1952] 1 All E.R. 1258.

Utility van, constructed for carriage of goods, towing caravan—No goods carried in van or caravan—Van licensed as private vehicle—Not used for carriage of goods or burden—Vehicles (Excise) Act, 1949, ss. 5, 13, 27.
Pearson v. Boyes, Divl.Ct. [1953] 1 W.L.R. 384.

Window cleaner's van used for carriage of buckets, cloths and leathers—"Goods"—Road and Rail Traffic Act, 1933, ss. 1 (1), 36 (1).
Clarke v. Cherry, Divl.Ct. [1953] 1 W.L.R. 268.

Licensing authority

Power of prosecution—General trade licence—Unauthorized use—Powers of county councils to prosecute in respect of offences in their areas—Vehicles (Excise) Act, 1949, s. 8 (1) (2)—Road Vehicles (Registration and Licensing) Regulations, reg. 35.
Regina v. Reigate Justices. *Ex parte* **Holland,** Divl.Ct. [1956] 1 W.L.R. 638.

Penalty

Excise penalty for using unlicensed vehicle—Offence committed in last quarter of year—Penalty expressed to be "three times the amount of the duty chargeable"—Meaning—Annual and not quarterly rate intended—Onus on defendant to prove duty paid for part of year—Vehicles (Excise) Act, 1949, ss. 1 (*b*), 11, 15 (1).
Holland v. Perry, Divl.Ct. [1952] 2 Q.B. 923; [1952] 2 T.L.R. 634; [1952] 2 All E.R. 720.

Use for purpose requiring higher duty—Penalty—Not a criminal offence—Vehicles (Excise) Act, 1949, s. 13 (2). **Brown v. Allweather Mechanical Grouting Co. Ld.,** Divl.Ct. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402.

"Mechanically propelled." *See* **"Motor vehicle."**

"Motor vehicle"

Auto-pedal cycle

Vital parts removed from auxiliary motor—Use as pedal cycle Not a motor-vehicle—Road Traffic Act, 1930, s. 1. **Lawrence v. Howlett,** Divl.Ct. [1952] W.N. 308; [1952] 1 T.L.R. 1476; [1952] 2 All E.R. 74.

Motor-cycle

Motor assisted pedal cycle—Road Traffic Act, 1930, ss. 1, 2, 4.
Floyd v. Bush, Divl.Ct. [1953] 1 W.L.R. 242

ROAD TRAFFIC—*continued.*

Negligence. (*See also* **Pedestrian crossing.**)

Collision

Inference from facts—Collision in centre of cross-roads of equal status—Plaintiff's car driven by hirer—Disappearance of hirer—Submission of no case to answer by defendant's counsel—No evidence called by defendant.
France v. Parkinson, C.A. [1954] 1 W.L.R. 581.

——— Collision in centre of straight road—Impossibility of distinguishing between negligence of drivers—Both equally to blame—Failure to take avoiding action—Law Reform (Contributory Negligence) Act, 1945, ss. 1, 4.
Baker v. Market Harborough Industrial Co-operative Society Ld., C.A. [1953] 1 W.L.R. 1472.

——— Stationary vehicle—Narrow clearance—Standard of care demanded of driver of moving vehicle—"All possible care."
Randall v. Tarrant, C.A. [1955] 1 W.L.R. 255

Lorry left pointing obliquely across roadway—Injury to motor-cyclist—Cyclist negligent—Closely connected causes not severable—Doctrine of last opportunity obsolete or inapplicable—Whether cyclist and lorry-driver both to blame.
Harvey v. Road Haulage Executive, C.A. [1952] 1 K.B. 120.

Plaintiff or defendant held solely to blame—No decision—Action and counterclaim dismissed—New trial. **Bray v. Palmer,** C.A. [1953] 1 W.L.R. 1455

Road junction—Duty of drivers on major road to users of minor road—Reasonable possibility of danger emerging. **Lang v. London Transport Executive,** Havers J. [1959] 1 W.L.R. 1168.

Running-down accident to pedestrian—Plea of contributory negligence—Whether duty owed by injured party to party sued—Duty to act carefully.
Nance v. British Columbia Electric Railway Co. Ltd., J.C. [1951] A.C. 601; [1951] 2 T.L.R. 137; [1951] 2 All E.R. 448.

Unlit vehicle standing on road at night—Presumption of negligence—Failure of lighting mechanism due to break in electric wiring—Car reasonably and properly maintained by owner—Whether presumption of negligence displaced.
Parish v. Judd, Edmund Davies J. [1960] 1 W.L.R. 867.

Road race

Club organised race—Race official standing on pavement killed by car—Brake failure—Duty of race organisers to officials.
O'Dowd v. Fraser-Nash, McNair J. [1951] W.N. 173.

Speed limit

Police motor-cyclist—Speed limit exceeded—Driving in course of duty—Pedestrian knocked down—Civil liability—Road Traffic Act, 1934, s. 3.
Gaynor v. Allen, McNair J. [1959] 2 Q.B. 403; [1959] 3 W.L.R. 221.

Tramcar braking

Passenger thrown down by sudden stop—Attempt to avoid dog—Driver's duty—Onus of proof. **Glasgow Corp. v. Sutherland,** H.L.(Sc.) [1951] W.N. 111.

Notice of intended prosecution

Form

Erroneous statement of time of offence—Validity of notice—Road Traffic Act, 1930, s. 21.
Pope v. Clarke, Divl.Ct. [1953] 1 W.L.R. 1060.

Issue whether notice given

Procedure—Appropriate time to dispute service of notice—Whether necessary to raise matter as preliminary point—Road Traffic Act, 1930, s. 21.
Reg. v. Edmonton Justices. *Ex parte* **Brooks,** Divl.Ct. [1960] 1 W.L.R. 697.

Service of notice

Defendant in hospital during statutory period—Impossible to serve notice on him personally—Notice sent to him at his usual residence—Validity of notice—Dangerous driving—Road Traffic Act, 1930, s. 21 (*c*).
Sandland v. Neale, Divl.Ct. [1956] 1 Q.B. 241; [1955] 3 W.L.R. 689.

——— Notice sent by registered post to defendant's usual residence—Defendant in hospital to knowledge of police—Notice not received in fourteen days—Duty of police to act reasonably—Road Traffic Act, 1930, s. 21 (*c*). **Holt v. Dyson,** Divl.Ct. [1951] 1 K.B. 364.

Notice sent by registered post to defendant's usual residence—Defendant away on holiday—Notice received and signed for by member of defendant's family, or by "nanny" in his employ—Defendant not aware of notice until more than fourteen days after commission of alleged offences—Whether "sent by registered post to him"—Interpretation Act, 1889, s. 26—Road Traffic Act, 1930, s. 21 (*c*).
Layton v. Shires, Divl.Ct. [1959] 3 W.L.R. 949.

——— Defendant away on holiday—Postman unable to deliver—Returned to police by post office—Not received by defendant within 14 days of alleged commission of offence—Whether "served on or sent" to defendant—Road Traffic Act, 1930, s. 21 (*c*).
Beer v. Davies, Divl.Ct. [1958] 2 Q.B. 187; [1958] 2 W.L.R. 920.

Notice sent by registered post to registered owners—Error in name of company—Burden of proof—Reasonable diligence to ascertain name of defendant and owner—Road Traffic Act, 1930, s. 21 (*c*) (i) (1) (ii). **Rogerson v. Edwards,** Divl.Ct. [1951] W.N. 101.

ROAD TRAFFIC—*continued.*

Notice of intended prosecution—*continued.*

Subsequent withdrawal of notice

Second notice given out of time—Validity of first notice—Road Traffic Act, 1930, s. 21 (*c*).
Lund v. Thompson, Divl.Ct. [1959] 1 Q.B. 283; [1958] 3 W.L.R. 594.

Time

Notice sent by registered post—Offence committed 7.15 a.m. on January 11—Notice received 8 a.m. on January 25—Whether service within 14 days of the commission of "the offence"—Calculation of 14 days—Whether date of offence to be excluded—Road Traffic Act, 1930, ss. 12, 21.
Stewart v. Chapman, Divl.Ct. [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; [1951] 2 All E.R. 613.

Warning at "time" of offence

Warning 90 minutes later—Dangerous driving—Meaning of "time" the offence was committed—Road Traffic Act, 1930, s. 21 (*a*).
Jollye v. Dale, Divl.Ct. [1960] 2 Q.B. 258; [1960] 2 W.L.R. 1027.

Obstruction. (*See also* NUISANCE (**Highway**).)

Form of information

Order made under Town Police Clauses Act, 1847—Information alleging "unlawful" contravention of order—Information not valid—Town Police Clauses Act, 1847, s. 21.
Waring v. Wheatley, Divl.Ct. [1951] W.N. 569.

Omnibus. *See* **Public service vehicle.**

Pedestrian crossing

Duty of drivers

Crossing obscured by stationary vehicle—Pedestrian hit by approaching vehicle—Pedestrian Crossings Regulations, 1954, reg. 4.
Gibbons v. Kahl, Divl.Ct. [1956] 1 Q.B. 59; [1955] 3 W.L.R. 596.

Limits of crossing—Pedestrian Crossings Regulations, 1954, reg. 4.
Hughes v. Hall, Divl.Ct. [1960] 1 W.L.R. 733.

Uncontrolled pedestrian crossing—Precedence to be given to foot-passenger by driver of vehicle—Failure to accord precedence—Absence of negligence on part of driver—Whether offence committed—Pedestrian Crossings (London) Regulations, 1951, reg. 4.
Leicester v. Pearson, Divl.Ct. [1952] 2 Q.B. 668; [1952] 1 T.L.R. 1537; [1952] 2 All E.R. 71.

Public service vehicle

Carrying capacity

Omnibus—Conductor—Standing passengers carried on omnibus in excess of number allowed—Conductor charged with permitting breach of regulations—Regulations provided that no standing passengers should be carried except in certain circumstances "there may be carried . . . a number of standing passengers . . . not exceeding "eight"—Whether the conductor was correctly charged with permitting a breach of the regulations—Transport Charges etc. (Miscellaneous Provisions) Act, 1954, s. 9—Public Service Vehicles and Trolley Vehicles (Carrying Capacity) Regulations, 1954, reg. 4. **Spires v. Smith,** Divl.Ct. [1956] 1 W.L.R. 601.

Express carriage. (*See also Stage carriage.*)

"Special occasion"—Fishing trip—Road Traffic Act, 1930, ss. 61 (1) (2), 72—Road Traffic Act, 1934, s. 25. **Wurzal v. Dowker,** Divl.Ct. [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196.

—————— Members of club taken to league football match on six occasions—"Private party"—Presence of two non-members on one occasion—Road Traffic Act, 1930, s. 61 (1) (2).
Browning v. J. W. H. Watson (Rochester) Ld., Divl.Ct. [1953] 1 W.L.R. 1172.

—————— Woman's guild outing—Organisers advertised—Motor-coach owner unaware of advertisement—Mens rea—Whether knowledge essential ingredient of offence—Road Traffic Act, 1930, ss. 61 (1) (*b*) (2), 72 (1) (10)—Road Traffic Act, 1934, s. 25 (1) (*a*) (*b*) (*c*) (*d*) (*e*) (*f*) and (*g*).
Reynolds v. G. H. Austin & Sons Ltd., Divl.Ct. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614; [1951] 1 All E.R. 606.

Fares. *See* TRANSPORT.

New route. *See* TRANSPORT.

Stage carriage

"Special occasion"—Holiday camp visitors—Weekly journeys to railway station—Road Traffic Act, 1930, s. 61 (2)—Road Traffic Act, 1934, s. 25 (1).
Victoria Motors (Scarborough) Ltd. v. Wurzal, Divl.Ct. [1951] 2 K.B. 520; [1951] 1 T.L.R. 837; [1951] 1 All E.R. 1016.

—————— Regular hiring of coach to take dance band to dances—Hirer's standing order for weekly advertisement of journey in advance—Fare-paying passengers taken—Inadmissibility of evidence given in previous case against hirer—Actual and constructive knowledge—Road Traffic Act, 1930, s. 72 (10)—Road Traffic Act, 1934, s. 25 (1) (*b*).
Taylor's Central Garages (Exeter) v. Roper, Divl.Ct. [1951] W.N. 383; [1951] 2 T.L.R. 284.

ROAD TRAFFIC—*continued.*

Registration book

Not document of title

Fraudulent sale of car with registration book—Claim for damages by true owner against buyers—Whether true owners estopped.
Central Newbury Car Auctions Ltd. v. Unity Finance Ltd., C.A. [1957] 1 Q.B. 371; [1956] 3 W.L.R. 1068.

Property in vehicle obtained by illegal contract—Not registered—Whether property passes.
Singh v. Ali, J.C. [1960] 2 W.L.R. 180; [1960] A.C. 167.

Repair of motor vehicle. *See* Work and Labour.

Report of accident. (*See also* **Failure to stop.**)

Accidents that must be reported

"Owing to presence of motor vehicle on road"—Passenger injured by stepping off moving omnibus—Driver's knowledge—Duty of driver to report to police—Road Traffic Act, 1930, s. 22.
Quelch v. Phipps, Divl.Ct. [1955] 2 Q.B. 107; [1955] 2 W.L.R. 1067.

"Road"

Meaning

Car park—Driving in car park without licence—Whether car park "to which the public has access" road—Road Traffic Act, 1930, ss. 4 (1), 121.
Griffin v. Squires, Divl.Ct. [1958] 1 W.L.R. 1106

Dock road—Accident due to negligent driving of motor-lorry—Driver not insured—Claim for damages—Judgment not satisfied—Liability of Motor Insurers' Bureau—Whether dock road a road "to which the public has access"—Road Traffic Act, 1930, ss. 34 (1), 121 (1). **Buchanan v. Motor Insurers' Bureau,** McNair J. [1955] 1 W.L.R. 488.

Unfenced and unpaved forecourt outside corner shop—Use by customers of the shop—Unlighted vehicle parked on forecourt—Whether a "road"—Road Transport Lighting Act, 1927, ss. 1 (1), 15.
Thomas v. Dando, Divl.Ct. [1951] 2 K.B. 620; [1951] 1 T.L.R. 1067; [1951] 1 All E.R. 1010.

Yard of slaughterhouse.
Romford Ice and Cold Storage Co. Ld. v. Lister, C.A. [1956] 2 Q.B. 180; [1955] 3 W.L.R. 631.

Special type of vehicle

Articulated vehicle

Breakdown vehicle towing disabled lorry—Whether "articulated vehicle"—Motor Vehicles (Construction and Use) Regulations, 1947, regs. 3 (1), 85—Road Traffic Act, 1930, s. 17 (2).
Hunter v. Towers, Divl.Ct. [1951] W.N. 95; [1951] 1 T.L.R. 313; [1951] 1 All E.R. 349

Heavy motor-vehicle. See **Heavy motor-vehicle.**

Overall width of vehicle and load exceeding 9 feet 6 inches

Number of attendants required—Whether "vehicle" includes vehicles—Motor Vehicles (Authorisation of Special Types) General Order, 1955, art. 18 (1).
Dixon v. B.R.S. (Pickfords) Ltd., Divl.Ct. [1959] 1 W.L.R. 301.

Public service vehicle. See **Public service.**

Trailer. See **Trailer.**

Width

Motor-tractor towing land implement on road—Whether one vehicle—Overall width—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 33—Motor Vehicles (Authorisation of Special Types) General Order, 1955, reg. 10 (*c*) (ii) and (*d*).
William Gwennap (Agricultural) Ltd. v. Amphlett, Divl.Ct. [1957] 1 W.L.R. 910.

Speed limit

Goods vehicle. (*See also* **Goods vehicle; Licence.**)

Shooting brake—C licence—User solely for the carriage of passengers—Road Traffic Act, 1930, s. 10, Sch. 1—Road Traffic Act, 1934, Sch. I—Road and Rail Traffic Act, 1933, ss. 8, 9—Motor Vehicles (Variation of Speed Limit) Regulations, 1950.
Blenkin v. Bell, Divl.Ct. [1952] 2 Q.B. 620; [1952] 1 T.L.R. 1216; [1952] 1 All E.R. 1258.

Truck with pneumatic tyres—Not used for carriage of goods—No A, B or C licence held—No speed limit—Road Traffic Act, 1934, Sch. I, para. 2 (1) (*a*)—Motor Vehicles (Variation of Speed Limit) Regulations.
Manning v. Hammond, Divl.Ct. [1951] W.N. 525; [1951] 2 All E.R. 815.

Unladen goods van used for carriage of passengers on road not in built-up area—C licence—Road Traffic Act, 1930, s. 10, Sch. I—Road Traffic Act, 1934, Sch. I—Road and Rail Traffic Act, 1933, ss. 8, 9—Motor Vehicles (Variation of Speed Limit) Regulations, 1950, r. 2. **Woolley v. Moore,** Divl.Ct. [1953] 1 Q.B. 43; [1952] 2 T.L.R. 673; [1952] 2 All E.R. 797.

Vehicle not carrying goods—Appropriate speed limit—Road Traffic Act, 1930, s. 10 (1), Sch. I (as amended by Road Traffic Act, 1934, s. 2 (1) (2))—Road and Rail Traffic Act, 1933, s. 9 (2)—Motor Vehicles (Variation of Speed Limit) Regulations, 1955, regs. 2, 3, Sch. **Bryson v. Rogers,** Divl.Ct. [1956] 2 Q.B. 404; [1956] 3 W.L.R. 495.

ROAD TRAFFIC—*continued.*

Speed limit—*continued.*

Prescribed signs

Speed-limit signs on road with no street lighting—Motor-car travelling at speed in excess of limit—Prescribed signs prima facie evidence that road to be regarded as a built-up area—No formal proof of direction by order of local authority necessary—Road Traffic Act, 1930, s. 10—Road Traffic Act, 1934, ss. 1, 36 and 49—Emergency Laws (Transitional Provisions) Act, 1946, Sch. II.
Gibbins v. Skinner, Divl.Ct. [1951] 2 K.B. 379; [1951] 1 T.L.R. 1159; [1951] 1 All E.R. 1049.

Stage carriage. *See* **Public service vehicle.**

" Takes and drives away " without owner's consent

Accessory

Appellant not present at taking—Whether entry into vehicle subsequently knowing it to have been taken and driven away without owner's consent sufficient to constitute offence—Road Traffic Act, 1930, s. 28 (1).
Reg. v. Stally, C.C.A. [1960] 1 W.L.R. 79.

Aiding and abetting

Whether riding on pillion some hours after taking sufficient to constitute offence—Road Traffic Act, 1930, s. 28 (1).
D. (An Infant) v. Parsons, Divl.Ct. [1960] 1 W.L.R. 797.

Attempt

Attempt to commit indictable offence—Whether triable summarily—Road Traffic Act, 1930, s. 28 (1)—Criminal Justice Act, 1925, s. 24 (1), Sch. II, para. 17.
Rex v. Fussell, C.C.A. [1951] 2 All E.R. 761.

Meaning

Lorry left stationary and unattended—Defendants released brake and pushed it—One defendant steered—Lorry stopped—Defendants tried to start engine—Whether taking and driving away—Road Traffic Act, 1930, s. 28.
Shimmell v. Fisher, Divl.Ct. [1951] W.N. 484; [1951] 2 T.L.R. 753; [1951] 2 All E.R. 672.

Passenger

Evidence of association between driver and passenger—Facts sufficient for prima facie case—Road Traffic Act, 1930, s. 28.
Ross v. Rivenall, Divl.Ct. [1959] 1 W.L.R. 713.

Servant

Unauthorised journey by lorry driver—Road Traffic Act, 1930, s. 28.
Mowe v. Perraton, Divl.Ct. [1952] W.N. 96; [1952] 1 All E.R. 423.

Third party insurance. (*See also* INSURANCE.)

Aiding and abetting offence

Vehicle taken and driven away without owner's consent—Riding on cycle subsequently as pillion passenger—Whether sufficient evidence to justify conviction—Road Traffic Act, 1930, s. 35 (1). **D. (An Infant) v. Parsons,** Divl.Ct. [1960] 1 W.L.R. 797.

Driver under age issued with licence

Whether driver " disqualified " from holding licence—Meaning of " disqualified "—Road Traffic Act, 1930, ss. 7 (4), 9 (5), 35 (1).
Mumford v. Hardy, Divl.Ct. [1956] 1 W.L.R. 163.

Driving without licence

Unlicensed driver accompanied by instructor—Instructor in control of driver—Not in position to assume control of car at any moment—Instructor not a driver of car—Road Traffic Act, 1930, s. 35 **Evans v. Walkden,** Divl.Ct. [1956] 1 W.L.R. 1019.

Whether driver " disqualified " from holding licence—Meaning of " disqualified "—Mental incapacity—Road Traffic Act, 1930, ss. 4 (2) (6), 5 (1) (2) (4), 35 (1).
Edwards v. Griffiths, Divl.Ct. [1953] 1 W.L.R. 1199.

Whether learner assisted by teacher " driving "—Two drivers—Whether two users—Road Traffic Act, 1930, ss. 4, 35.
Langman v. Valentine, Divl.Ct. [1952] W.N. 475; [1952] 2 T.L.R. 713; [1952] 2 All E.R. 803.

Failure to restore to cover. See **Disqualification** (*Special reasons*).

Hospital expenses

Policy covering voluntary passengers in addition to persons compulsorily insured—Passenger injured—Payment made by insurers to passenger—Whether made under or in consequence of policy issued under Part II of Road Traffic Act, 1930—Hospital treatment received by passenger before date of payment to him and without knowledge of insurers—Whether hospital entitled to recover from insurers expenses incurred—" Any person "—Road Traffic Act, 1930, s. 36 (1) (*b*) (2), as substituted by Road and Rail Traffic Act, 1933, s. 33.
Barnet Group Hospital Management Committee v. Eagle Star Insurance Co. Ltd., Salmon J. [1960] 1 Q.B. 107; [1959] 3 W.L.R. 610.

Motor-cycle

Insurance company admittedly " on risk "—Sidecar " permanently attached "—Sidecar body removed—Chassis and wheel still attached—Road Traffic Act, 1930, Part II and s. 35 (1). **Carnill v. Rowland,** Divl.Ct. [1953] 1 W.L.R. 380.

Motor-assisted pedal cycle—" Mechanically propelled vehicle "—Pedalled without using engine—Road Traffic Act, 1930, ss. 1, 2, 4, 28, 35.
Floyd v. Bush, Divl.Ct. [1953] 1 W.L.R. 242.

ROAD TRAFFIC—*continued.*

Third party insurance—*continued.*

Motor Insurers Bureau

Agreement of June 17, 1946, between Motor Insurer's Bureau and Minister of Transport —"Liability required to be covered by a policy of insurance under Part II of the Road "Traffic Act, 1930"—Liability incurred by servant of the assured in respect of the death of another servant of the assured—Road Traffic Act, 1930, ss. 35 (1), 36 (1) (*b*) (i).
Lees v. Motor Insurer's Bureau, Lord Goddard C.J. [1952] W.N. 409; [1952] 2 T.L.R. 356; [1952] 2 All E.R. 511.
C.A. [1953] 1 W.L.R. 620.

Legally aided person uninsured driver—Supported by Motor Insurers Bureau—Whether to be taken into account in making order against unsuccessful aided person.
Godfrey v. Smith, Donovan J. [1955] 1 W.L.R. 692.

Notice of action

Whether valid "notice of action."
Ceylon Motor Insurance Association Ld. v. Thambugala, J.C. [1953] A.C. 584; [1953] 3 W.L.R. 486.

"Permitting" person to use uninsured vehicle

Permission not confined to that of owner of vehicle—Road Traffic Act, 1930, s. 35 (1).
Lloyd v. Singleton, Divl.Ct. [1953] 1 Q.B. 357; [1953] 2 W.L.R. 278

Servant required to drive motor-vehicle on highway

Accident caused by servant's negligence—Vehicle not insured—Employers claiming indemnity from servant—No statutory duty for employers to insure vehicle driven by servant—Whether implied term in contract of service not to require servant to do illegal act—Whether employers entitled to indemnity—Road Traffic Act, 1930, s. 35 (1).
Gregory v. Ford, Byrne J. [1951] 1 All E.R. 121.

Injury to fellow servant by negligent driving of motor-vehicle by servant—Not covered by motor policy—Damages awarded against master—Master's right to contribution or indemnity from servant—Whether master under duty to insure servant against such risk—Road Traffic Act, 1930, ss. 35 (1), 36 (1) (*b*).
Lister v. Romford Ice and Cold Storage Co. Ltd., C.A. [1956] 2 Q.B. 180; [1955] 3 W.L.R. 631;
H.L.(E.) [1957] A.C. 555; [1957] 2 W.L.R. 158.

Policy to indemnify servant—No implied term—Road Traffic Act, 1930, s. 35 (1).
Semtex Ld. v. Gladstone, Finnemore J. [1954] 1 W.L.R. 945.

"Use . . . a motor-vehicle on a road"

Car not used—Whether "used"—Car immobilised in road—Road Traffic Act, 1930, s. 35 (1). **Elliott v. Grey**, Divl.Ct. [1960] 1 Q.B. 367; [1959] 3 W.L.R. 956.

Trailer

Breakdown lorry

No attendant—Four-wheeled vehicle towed with two wheels off ground—Not "a trailer "with not more than two wheels"—Meaning of "wheel"—Whether breakdown lorry a "motor-car"—Road Traffic Act, 1930, s. 17 (2)—Motor Vehicles (Construction and Use) Regulations, regs. 3 (1), 85.
Carey v. Heath, Divl.Ct. [1952] 1 K.B. 62; [1951] 2 T.L.R. 797; [1951] 2 All E.R. 774.

Poultry shed

Tractor towing empty poultry shed on iron wheels—Failure to comply with regulations as to construction, weight and equipment—Whether poultry shed a trailer—"Land "implement"—Road Traffic Act, 1930, ss. 1, 3 (1) (3)—Motor Vehicles (Construction and Use) Regulations, 1947, regs. 3, 49, 50, 51 and 60.
Garner v. Burr, Divl.Ct. [1951] 1 K.B. 31.

ROMAN-DUTCH LAW

Accessory after the fact

Requirements

Distinction between Roman Dutch law and English law.
Majara v. The Queen, J.C. [1954] A.C. 235; [1954] 2 W.L.R. 771

Exceptio rei venditae et traditae

Execution

Seizure of property. **Perera v. Perera**, J.C. [1960] A.C. 571; [1960] 2 W.L.R. 652.

Fidei-commissum

Joint gift

Validity. **Arumugam v. Arumugam**, J.C. [1953] A.C. 1.

Land

Bona fide occupier—Partition—Right of occupier for compensation.
Hassanally v. Cassim, J.C. [1960] A.C. 592; [1960] 2 W.L.R. 607.

Minor fiduciaries—Valid acceptance by nearest male relations—Acceptance by fiduciaries an acceptance for fidei-commissary heirs—Fidei-commissum irrevocable—Nature of fidei-commissum in favorem familiae—Exchange of properties—Effect—Subject to same fidei-commissum—Title of fidei-commissary prevails over that of bona fide purchaser for value without notice—Entail and Settlement Ordinance (No. 11 of 1876) (Legislative Enactments of Ceylon, 1938 Rev., c. 54), s. 8.
Abeyawardene v. West, J.C. [1957] A.C. 176; [1957] 2 W.L.R. 281.

ROMAN-DUTCH LAW—*continued.*

Infant

Guardian

Whether maternal uncle natural guardian—Acceptance of gift for minor.
Arumugam v. Arumugam, J.C. [1953] A.C. 1.

Specific performance

Whether absolute right

Distinction between Roman-Dutch and English law.
Abdeen v. Thaheer, J.C. [1958] A.C. 116; [1958] 2 W.L.R. 350.

RULE AGAINST PERPETUITIES. *See* PERPETUITY RULE.

RYLANDS v. FLETCHER

Animal

Elephant

Liability of owner for acts of animal ferae naturae not flowing from savage disposition—Whether wrongful act of third party a defence.
Behrens v. Bertram Mills Circus Ltd., Devlin J. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404.

Exceptions to rule

Act of stranger

Dangerous thing — Empty petrol tank on coach — Escape of fumes — Explosion causing personal injuries—Escape and explosion caused by act of small boy—Act of stranger not of kind to be anticipated by owner of coach — No negligence — Rule in Rylands *v.* Fletcher not applicable—Whether rule applies to personal injuries.
Perry v. Kendricks Transport Ltd., C.A. [1956] 1 W.L.R. 85.

Consent to danger

Escape of water from stop tap in common passage way—Damage to tenant's stock on lower floor—Negligent system of water supply—Liability.
A. Prosser & Son Ld. v. Levy, C.A. [1955] 1 W.L.R. 1224.

Fire

Escape to adjoining premises

Fire caused by use of blowlamp to defreeze pipes in roof—Lagging and straw in roof ignited—Whether blowlamp Rylands v. Fletcher object.
Balfour v. Barty-King, Havers J. [1956] 1 W.L.R. 779.

Local authority

Applicability of rule to local authority performing statutory duties

Sewage—Overflow—Public Health Act, 1936, s. 31.
Smeaton v. Ilford Corporation, Upjohn J. [1954] Ch. 450; [1954] 2 W.L.R. 668.

Ship

Discharge of oil

Discharge in river—Damage to foreshore—Need to prove negligence.
Southport Corpn. v. Esso Petroleum Co. Ld., Devlin J. [1953] 3 W.L.R. 773;
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.

SAFE MEANS OF ACCESS

See BUILDING; DOCK; FACTORY.

SAFE SYSTEM OF WORK

See NEGLIGENCE.

SALE

See WORDS AND PHRASES (" *Sale* ").

SALE OF GOODS. (*See also* CONTRACT.)

Agency. *See* AGENCY.

Auction. *See* **Sale by auction**; AGENCY.

Certificate. *See* CERTIFICATE.

C.I.F.

Bank guarantee

Provision for bank guarantee by buyers to sellers on first presentation of documents—Repudiation by sellers before receipt of guarantee—Event guaranteed—Time when guarantee to be provided.
Sinason-Teicher Inter-American Grain Corpn. v. Oilcakes and Oilseeds Trading Co. Ld., Devlin J. [1954] 1 W.L.R. 935.
C.A. [1954] 1 W.L.R. 1394

Cancelling clause

Prevention of shipment—Prohibition of export—Extension of shipping time " by two " months "—When operative—London Oil and Tallow Trade Association, Form 5a.
Fairclough Dodd & Jones Ltd. v. J. H. Vantol Ltd., McNair J. [1955] 1 W.L.R. 642;
C.A. [1955] 1 W.L.R. 1302;
H.L.(E.) [1957] 1 W.L.R. 136.

Prohibition of export—Prohibition begun during period of shipment—Ten days' grace before taking effect—Cancelling clause.
Ross T. Smith & Co. Ld. (Liverpool) v. W. N. Lindsay Ld. (Leith),
Devlin J. [1953] 1 W.L.R. 1280.

SALE OF GOODS—*continued.*

C.I.F.—*continued.*

Date of shipment

Goods shipped late—Bill of lading date inaccurate—Goods retained by buyer after knowledge of late shipment—Measure of damages—Sub-sale—Loss of profits—Contemplation of parties—Forged bill of lading—Date forged—Whether bill of lading a nullity—Right to reject—When goods "delivered"—Effect of pledge of goods—Effect of transfer under string contract—Sale of Goods Act, 1893, s. 35.

Kwei Tek Chao v. British Traders and Shippers Ld., Devlin J. [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365.

Frustration. See CONTRACT.

Letter of credit

Credit payable on presentation of sight drafts accompanied by shipped bills of lading—Beneficiaries' right to payment on presentation of "clean" bills of lading.

British Imex Industries Ltd. v. Midland Bank Ltd., Salmon J. [1958] 1 Q.B. 542; [1958] 2 W.L.R. 103.

Right to stop—Contract for delivery by two instalments—Payment by letter of credit for each instalment—First instalment alleged to be defective—Repudiation of contract by plaintiff purchasers—Application for injunction "freezing" second letter of credit—Jurisdiction of court—Sale of Goods Act, 1893, s. 31 (2).

Hamzeh Malas & Sons v. British Imex Industries Ltd., C.A. [1958] 2 Q.B. 127; [1958] 2 W.L.R. 100.

Sale of groundnuts c.i.f. against confirmed credit—Provision for shipment during certain months at sellers' option—Export and import licences obtained—Buyers' delay in making credit available to sellers—Time within which credit to be opened.

Pavia & Co. S.P.A. v. Thurmann-Nielsen, McNair J. [1951] W.N. 533; [1951] 2 T.L.R. 802; [1951] 2 All E.R. 866.
C.A. [1952] 2 Q.B. 84; [1952] 1 T.L.R. 586; [1952] 1 All E.R. 492.

Route

Customary at time of performance—Closure of canal—Frustration.

Carapanayoti & Co. Ltd. v. E. T. Green Ltd., McNair J. [1959] 1 Q.B. 131; [1958] 3 W.L.R. 390.

Customary route blocked—Availability of alternative route—Frustration.

Albert D. Gaon & Co. v. Société Interprofessionelle des Oléagineux Fluides Alimentaires, Ashworth J. [1959] 3 W.L.R. 622.

Tsakiroglou & Co. Ltd. v. Noblee Thorl, G.m.b.H., Diplock J. [1959] 2 W.L.R. 179.
C.A. [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869.

"Ship's delivery order"

Meaning. **Colin & Shields v. W. Weddel & Co. Ltd.,** Sellers J. [1952] 1 T.L.R. 1191; [1952] 1 All E.R. 1021.
C.A. [1952] W.N. 420; [1952] 2 T.L.R. 185; [1952] 2 All E.R. 337.

Subject to export licence. (See also Cancelling clause; **F.O.B.**)

Duty of sellers to take *all* reasonable steps to obtain licences.

Société d'Avances Commerciales (London) Ltd. v. A. Besse & Co. (London) Ltd., Sellers J. [1952] 1 T.L.R. 644.

Refusal to grant licence except for goods at minimum f.o.b. prices.

Brauer & Co. (Great Britain) Ltd. v. James Clark (Brush Materials) Ltd., Sellers J. [1952] W.N. 187; [1952] 1 T.L.R. 953; [1952] 1 All E.R. 981.
C.A. [1952] W.N. 422; [1952] 2 T.L.R. 349; [1952] 2 All E.R. 497.

Damages. *See* DAMAGES.

Deposit on container

Nature of transaction

Deposit on bottle—Whether sale or hire.

Beecham Foods Ltd. v. North Supplies (Edmonton) Ltd., Vaisey J. L.R. 1 R.P. 262; [1959] 1 W.L.R. 643.

Exceptions clause. (*See also* **C.I.F.; F.O.B.**)

Contract "subject to shipment"

Construction—Sufficient goods shipped to fulfil contract—Insufficient to meet all vendor's other contracts—Allocation to buyers with "definite" contracts—Purported cancellation of "subject to shipment" contract—Whether effective.

Hong Guan & Co. Ltd. v. R. Jumabhoy & Sons Ltd., J.C. [1960] A.C. 684. [1960] 2 W.L.R. 754.

Fitness for purpose *See* **Implied term.**

F.O.B.

Construction of contract

Goods "afloat per S.S. Morton Bay due London approximately 8th June"—Whether mere identification of ship and goods or condition of contract.

Macpherson Train & Co. Ld. v. Howard Ross & Co. Ld., McNair J. [1955] 1 W.L.R. 640.

Undertaking by vendor to furnish "a guarantee"—Third-party guarantee not furnished—Personal guaranteee given by vendor—Whether a good discharge of contractual undertaking. **Heisler v. Anglo-Dal Ld.,** C.A. [1954] 1 W.L.R. 1273.

SALE OF GOODS—*continued.*

F.O.B.—*continued.*

Damage to goods during loading due to negligence of shipowners

Goods not past ship's rail—Bill of lading not issued—No passing of property in goods—Whether damage occurred during "contract of carriage by sea"—Whether sellers party to contract of carriage.
Pyrene Co. Ld. v. Scindia Navigation Co. Ld., Devlin J. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005.

Export licence. (*See also* **C.I.F.**)

C.i.f. contract for sale of jute—Shipments from India to Italy—Control of jute shipments by Indian Government—Quota system—Seller unable to obtain quota for Italy—Breach of contract—Whether term to be implied in contract.
Partabmull Rameshar v. K. C. Sethia (1944) Ltd., H.L.(E.) [1951] W.N. 389; [1951] 2 All E.R. 352.

Contract made in London—F.A.S.—Goods to be shipped from Portugal—Export licence required—Obtainable only by suppliers—Duty to obtain licence—Whether on buyers or sellers. **Pound (A. V.) & Co. Ltd. v. Hardy (M. W.) & Co. Inc.,** C.A. [1955] 1 Q.B. 499; [1955] 2 W.L.R. 589. H.L.(E.) [1956] A.C. 588; [1956] 2 W.L.R. 683.

Goods to be shipped from foreign port—Delivery prompt, as soon as export licence "granted" — Implied warranty that sellers would obtain licence — Application for export licence made by sellers with due diligence—Export licence refused—Whether sellers in breach of absolute obligation to obtain licence.
Peter Cassidy Seed Co. Ltd. v. Osuustukkukauppa I.L., Devlin J. [1957] 1 W.L.R. 273.

Payment

Confirmed credit—Provision for shipment during specified period—Exact shipping date to be chosen by buyer—Buyer's delay in making credit available—Date by which credit to be opened. **Ian Stach Ltd. v. Baker Bosley Ltd.,** Diplock J. [1958] 2 Q.B. 130; [1958] 2 W.L.R. 419.

"Quality"

Claim on ground of quality barred unless made within 60 days of discharge of goods—Rubber deteriorated by defective packing.
Minister of Materials v. Steel Brothers & Co. Ltd., C.A. [1952] W.N. 114; [1952] 1 T.L.R. 499.

Exceptions clause. *See* **C.I.F.; F.O.B.**

Forfeiture clause

Equitable relief

Sale of plant and machinery—Payment by instalments—Failure to complete payments—Time essence of contract—Recission clause—Forfeiture of instalments paid—Purchaser not ready and willing to complete—Whether forfeiture exaction of penalty.
Stockloser v. Johnson, C.A. [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439.

"Goods"

Coupons

Pictorial coupons given away with goods—Free gift for collection of series—Purchase tax—Sale of Goods Act, 1893, s. 62.
Stephenson Bros. Ltd. v. Comrs. of Customs and Excise, Roxburgh J. [1953] 1 W.L.R. 335.

Illegal. *See* CONTRACT.

Implied term

Fitness for purpose and of merchantable quality

Goods bought under trade name—"Goods supplied under a contract of sale"—Purchase of one ton of Coalite—Damage to purchaser by explosive mixed with Coalite—Consignment not of "merchantable quality"—Sale of Goods Act, 1894, s. 14 (1), (2).
Wilson v. Rickett Cockerell & Co. Ld., C.A. [1954] 1 Q.B. 598; [1954] 2 W.L.R. 629.

Merchantable quality—Sale of toy by retailer to child—Sale of toys to retailer by wholesaler and by importer to wholesaler—Sales by sample—Defect rendering toy unmerchantable—Whether apparent on reasonable examination—Sale of Goods Act, 1893, ss. 14 (1) (2), 15 (2) (c). **Godley v. Perry,** Edmund Davies J. [1959] 1 W.L.R. 9.

Plaintiff contracting trichinosis—Pork infested with parasitic worm—Pork partially cooked—Contemplated by parties pork was to be cooked—Parasite killed by sufficient cooking—Sale of Goods Act, 1893, s. 14 (1) (2).
Heil v. Hedges, McNair J. [1951] 1 T.L.R. 512.

Tractor—Whether particular purpose made known to seller—Reliance on seller's skill or judgment—Buyer a corporation—Negotiation and purchase through different agents—Whether compliance with statutory requirements—Sale of Goods Act, 1893, s. 14 (1)—Sale of Goods Act, 1923–1953 (N.S.W.), s. 19 (1).
Ashford Shire Council v. Dependable Motors Pty. Ltd., P.C. [1961] A.C. 336; [1960] 3 W.L.R. 999.

Work and materials—Implied warranty as to fitness for particular purpose—Duty of customer to disclose to contractor any relevant abnormal circumstance known to customer—Hairdresser dyeing customer's hair—Sale of Goods Act, 1893, s. 14 (1).
Ingham v. Emes, C.A. [1955] 2 Q.B. 366; [1955] 3 W.L.R. 245.

Licence (export). *See* **C.I.F.; F.O.B.**

SALE OF GOODS—*continued.*

Innocent misrepresentation

Right of rescission

Sale of lorry—Delivery and acceptance—Claim to rescind—Whether claim maintainable.
Long v. Lloyd, C.A. [1958] 1 W.L.R. 753.

Lien of unpaid seller

Transfer to buyer of document of title

Transfer by him to sub-buyer of new document of title—Goods at wharf sold to buyer for resale—Delivery order by seller in favour of buyer—Fresh delivery order by buyer on resale—Effect on unpaid seller's right of lien—Sale of Goods Act, 1893, ss. 25 (2), 47, proviso. **D. F. Mount Ltd. v. Jay & Jay (Provisions) Co. Ltd.,** Salmon J. [1960] 1 Q.B. 159; [1959] 3 W.L.R. 537.

Memorandum in writing

Connecting documents

Letter to third party referring to transaction—Sale of Goods Act, 1893, s. 4.
Turner v. Hatton, Hallett J. [1952] 1 T.L.R. 1184; [1952] 1 All E.R. 1286.

Defence

Repeal of section 4 of Sale of Goods Act, 1893—Defence pleading section 4 delivered before the repeal—Whether a prior vested right in litigation—Whether operation of section 4 procedural—Sale of Goods Act, 1893, s. 4—Law Reform (Enforcement of Contracts) Act, 1954, s. 2.
Craxfords (Ramsgate) Ld. v. Williams and Steer Manufacturing Co. Ld., Pilcher J. [1954] 1 W.L.R. 1130.

Work and labour

Commission to make fur coat—Whether contract for work and labour or sale of goods—Sale of Goods Act, 1893, s. 4 (1). **Marcel (Furriers) Ld. v. Tapper,** Hilbery J. [1953] 1 W.L.R. 49.

Merchantability. *See* IMPLIED TERM.

Mercantile agent, by. *See* AGENCY (**Mercantile agent**).

Mistake. *See* CONTRACT.

Nemo dat quod non habet

Estoppel

Motor-car—Car and registration book handed over to professed intending buyer—Subsequent fraudulent sale—Claim for damages by true owner against buyers—Whether true owner estopped—Sale of Goods Act, 1893, s. 21 (1).
Central Newbury Car Auctions Ltd. v. Unity Finance Ltd. Mercury Motors, Third Parties, C.A. [1957] 1 Q.B. 371; [1956] 3 W.L.R. 1068.

——— Owner giving seller documents enabling seller to represent himself as owner—Limitation upon seller's authority—Sale without authority—Whether property passed—Hire-purchase agreement between purchaser and owner—Whether subsequent bona fide purchaser for value from former owner obtained good title—Sale of Goods Act, 1893, ss. 21 (1), 25 (1).
Eastern Distributors Ltd. v. Goldring, C.A. [1957] 2 Q.B. 600; [1957] 3 W.L.R. 237.

Offer and acceptance

Time of sale

Self-service. **Pharmaceutical Society of Great Britain v. Boots Cash Chemists (Southern) Ld.,** C.A. [1953] 1 Q.B. 401; [1953] 2 W.L.R. 427.

Penalty clause. *See* **Forfeiture**; CONTRACT.

Property, when passing

Shipbuilding contract

Yacht to be constructed—Property to pass on payment of first instalment of price—Yacht found to be unseaworthy—Whether property passed before completion—Whether right to reject precluded by passing of property.
McDougall v. Aeromarine of Emsworth Ltd., Diplock J. [1958] 1 W.L.R. 1126.

Rectification. *See* CONTRACT.

Repudiation

Anticipatory breach

Innocent misrepresentation by agent of intention not to perform contract—Mistake—No repudiation by principal. **Peter Dumenil & Co. Ld. v. James Ruddin Ld.,** C.A. [1953] 1 W.L.R. 815.

Sale by auction. (*See also* AGENCY.)

Condition or warranty

Heifer—Oral assurance of vendor as to condition—Printed conditions of sale excluding any warranty not in writing—Heifer's death from tuberculosis—Right of buyer to damages.
Harling v. Eddy, C.A. [1951] 2 K.B. 739; [1951] 2 T.L.R. 245; [1951] 2 All E.R. 212.

Second-hand or new

"New"

Meaning—When new motor-car not "new." **Morris Motors Ltd. v. Lilley,** Wynn-Parry J. [1959] 1 W.L.R. 1184.

Ship. *See* SHIPPING.

SALE OF GOODS—*continued.*

String contract

Costs. *See* COSTS (**Third party proceedings**).

Repudiation

Failure of consideration—Recovery of purchase price—Goods subject to hire-purchase agreement—Vendor having no title at time of sale—Rescission by purchaser—Sale by hirer followed by further re-sales—Subsequent exercise of option to purchase by hirer—Perfection of title—Transmission of ownership—Implied condition that vendor has right to sell—Breach—Damages—Measure—Whether duty owed by defendants to third party to mitigate damage.
Butterworth v. Kingsway Motors, Pearson J. [1954] 1 W.L.R. 1286.

Repudiation by first and second sellers—Sub-buyer's acceptance of second seller's repudiation—Second seller's subsequent acceptance of first seller's repudiation—Damages.
British Electrical and Associated Industries (Cardiff) Ld. v. Patley Pressings Ltd., McNair J. [1953] 1 W.L.R. 280.

Time of delivery. (*See also* **C.I.F.**)

Whether breach of contract

Order for motor-car from dealer—Dealer to use best endeavours to obtain within reasonable time—No requirement to purchaser to sign covenant not to resell within twelve months—Subsequent refusal by manufacturer to supply car unless covenant signed—Purchaser's refusal to sign—Other customers supplied—Whether dealer in breach.
Monckland v. Jack Barclay Ltd., C.A. [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714.

Whether warranty or condition

Shipbuilding contract—Pleasure yacht.
McDougall v. Aeromarine of Emsworth Ltd., Diplock J. [1958] 1 W.L.R. 1126.

Warranty. (*See also* **Sale by auction**.)

Collateral warranty

Innocent misrepresentation—Motor-car—Car described as "1948 model" taken in part exchange for new car—Current price for 1948 model allowed—Registration book showing 1948 as date of first registration—Car later found to be 1939 model—Fundamental mistake by both parties. **Oscar Chess Ltd. v. Williams**, C.A. [1957] 1 W.L.R. 370.

Sale of second-hand motor-bicycle—False statement in registration book as to year bicycle put on market—String contracts—No fraudulent misrepresentation by seller in question—Whether any warranty given. **Routledge v. McKay**, C.A. [1954] 1 W.L.R. 615.

Express warranty

Repair of pier—Sale of paint—Warranty given by seller to plaintiff—Consideration that plaintiff should cause building contractor to buy—Breach of warranty—Plaintiff's right of action against seller.
Shanklin Pier Ltd. v. Detel Products Ltd., McNair J. [1951] 2 K.B. 854; [1951] 2 All E.R. 471.

Hire-purchase agreement

Sale of second-hand car—Dealer's express warranty of condition to buyer—Car in dangerous condition and sold by dealer to finance company—Hire-purchase agreement between company and buyer—Buyer injured in collision caused by dangerous condition of car—Breach of warranty—Enforceability against dealer—Measure of damages.
Andrews v. Hopkinson, McNair J. [1957] 1 Q.B. 229; [1956] 3 W.L.R. 732.

Work and materials. *See* **Memorandum**; CONTRACT (IMPLIED TERM).

SALE OF LAND

See VENDOR AND PURCHASER; WORDS AND PHRASES (*Sale*).

SALMON. *See* FISHERY.

SATISFACTION

See SETTLEMENT (**Portions**); WILL (**Construction**).

SAVINGS BANK

Infant's account

Liability of father to income tax. *See* REVENUE (**Income tax** (*Settlement*)).

SCHOOL

See CHARITY (**Education**); EDUCATION; NEGLIGENCE.

SCIRE FACIAS

Ferry

Closure

Operation discontinued—Remedies available.
Attorney-General v. Colchester Corporation, Lord Goddard C.J. [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913.

SCOTLAND. (*See also* CONFLICT OF LAWS; JUDICIAL PRECEDENT.)

Damages

Death of husband

Widow's action for negligence—Assessment of damages—Whether widow's private means relevant. **Shiels v. Cruikshank**, H.L. (Sc.) [1953] 1 W.L.R. 533.

SCOTLAND—*continued.*

Divorce

Cruelty

Mental cruelty—No physical violence—Matrimonial Causes Act, 1937, s. 2—Divorce (Scotland) Act, 1938, s. 1 (1) (*c*). **Jamieson v. Jamieson,** H.L. (Sc.) [1952] A.C. 525; [1952] 1 T.L.R. 833; [1952] 1 All E.R. 875.

War damage

Payment

Superior and vassal—Right in security—War damage to land—Value payment and interest—Division among superior, vassal and bondholder—Period between date of damage and date of payment—Rights of parties—War Damage Act, 1943, ss. 10, 24, 25; Sch. IV, Part. II.
Hunter v. Blackwood, H.L. (Sc.) [1951] A.C. 467; [1951] 1 T.L.R. 485.

SEAL. *See* CONTRACT; DEED; LANDLORD AND TENANT (**Agreement**); PARTNERSHIP.

SEARCH WARRANT

See JUSTICES (WARRANT).

SEDITION. *See* CRIME.

SEDUCTION. *See* ENTICEMENT.

SEEDS

Sale

Statement of particulars

Variety—Effect—Seeds Act, 1920, ss. 1, 2 (1), 6 (1).
Marles v. Philip Trant & Sons Ld., C.A. [1954] 1 Q.B. 29; [1953] 2 W.L.R. 564.

SEQUESTRATION. (*See also* BANKRUPTCY.)

Bank account

Moneys standing to debtor's credit

Divorce—Costs—Enforcement of order for costs—R.S.C., Ord. 43, r. 6.
Guerrine (orse. Roberts) v. Guerrine, Probate [1959] 1 W.L.R. 760.

SERVICE

See HUSBAND AND WIFE (**Divorce**); PRACTICE; STATUTE (**Construction**).

SETTLED LAND. (*See also* TRUST FOR SALE.)

Chapman v. Chapman. *See* **Tenant for life (powers)**; TRUSTS (**Variation**).

Charges

Jointure and portions

Priorities—Portions and jointure to take effect at same time.
In re **Keele Estates,** Roxburgh J. [1952] Ch. 306; [1952] 1 T.L.R. 34; [1952] 1 All E.R. 44.

Improvement

From capital money

Application of capital money—Repayment of capital of loans made in respect of improvements—Repayment of capital component of tithe annuities—Settled Land Act, 1925, s. 73 (1) (xiii) (xvi). *In re* **Sandbach, decd.,** Vaisey J. [1951] Ch. 294.
C.A. [1951] Ch. 791; [1951] W.N. 230; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971.

Application of capital money for authorized improvement—Whether tenant for life entitled to benefit of income tax allowance for improvement—Settled Land Act, 1925, ss. 73, 107. *In re* **Pelly's Will Trusts,** Wynn-Parry J. [1956] Ch. 81; [1955] 3 W.L.R. 696.
C.A. [1957] Ch. 1; [1956] 3 W.L.R. 26.

Repairs—Expenditure on repairs by tenant for life—Farms let to tenants and cottages occupied by estate employees—Claim by tenant for life for recoupment out of capital moneys—What recoupment justifiable—Extent of obligation of trustees to accept directions of tenant for life—Settled Land Act, 1925, ss. 73 (1) (iv), 75 (2)—Agricultural Holdings Act, 1948, ss. 1 (1), 81 (1), 94 (1), Sch. III, Pt. II, para. 23.
In re **Duke of Northumberland, decd.,** Vaisey J. [1951] Ch. 202.

——— Expenditure on repairs by trustee out of income—Claim by tenant for life for recoupment out of capital—Settled Land Act, 1925, s. 73 (1)—Agricultural Holdings Act, 1948, ss. 1 (1), 81 (1), and Sch. III, Pt. II, para. 23.
In re **Wynn (No. 2),** Harman J. [1955] 1 W.L.R. 940.

Settled Land Act, 1925, ss. 73 (1) (iv), 84, 87; Agricultural Holdings Act, 1948, ss. 81 (1), Sch. III, para. 23. *In re* **Lord Brougham and Vaux,** Vaisey J. [1954] Ch. 24; [1953] 3 W.L.R. 465.

Unauthorized repairs executed before 1948 by assign of tenant for life—Similar repairs authorized by and executed after coming into force of Agricultural Holdings Act, 1948—Tenant for life as trustee—Discretion of trustees of settlement—Settled Land Act, 1925, ss. 73 (1) (iv); 75 (1), (2)—Agricultural Holdings Act, 1948, ss. 1 (2), 81 (1), 94 (1), 96 (1), Sch. III. *In re* **Sutherland Settlement Trusts,** Harman J. [1953] Ch. 792; [1953] 2 W.L.R. 1163.

SETTLED LAND—*continued.*
Investments, authorized
Long leaseholds
Propriety—Settled Land Act, 1925, s. 73 (1) (xi).
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In re **Downshire Settled Estates,** Roxburgh J. [1952] W.N. 428; [1952] 2 T.L.R. 483; [1952] 2 All E.R. 603.
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———————— Wife's reversion falling into possession after coverture—"Property . . . to which the wife may afterwards during the marriage "become entitled in possession or reversion"—Operation of covenant.
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Marriage settlement—Funds settled in post-nuptial settlement by husband wife—Income of trust funds for wife for life "so long as she shall continue to reside with" the husband—Power of appointment by surviving spouse—Limitation over on death of survivor—Disposal of income during period between death of husband and death of surviving wife—Resulting trust.
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In re **Burton's Settlement Trusts. Public Trustee v. Montefiore,**
Roxburgh J. [1955] Ch. 60; [1954] 3 W.L.R. 574.
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Bullock v. Lloyds Bank Ld., Vaisey J. [1955] Ch. 317; [1955] 2 W.L.R. 1.

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SHIPPING. (*See also* Admiralty; Conflict of Laws; Dock; Negligence **(Safe system of work)**.)

Bill of lading. (*See also* **Contract of carriage.**)

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Whether valid by United States law—Collision—Both to blame—Claim by cargo against non-carrier—Non-carrier's right of action in respect thereof against carrier—Carrier's claim to be indemnified by cargo—Harter Act, 1893, s. 3—(United States) Carriage of Goods by Sea Act, 1936.
U.S.A. v. Atlantic Mutual Insurance Co., U.S. Supreme Court [1952] 1 T.L.R. 1237.
U.S.A. v. Farr Sugar Corp., U.S. Ct. of Apps. [1951] 2 T.L.R. 1013.

Clause paramount

Incorporation of United States Carriage of Goods by Sea Act, 1936, " with respect to " shipments from a port in the United States "—Whether port in Panama Canal Zone " a port in the United States "—Statute defining " United States " held to apply—United States Carriage of Goods by Sea Act, 1936, s. 13.
Stafford Allen & Sons Ltd. v. Pacific Steam Navigation Co., C.A. [1956] 1 W.L.R. 629.

" *Clean bill.*" (*See also Indemnity.*)

Hague Rules—Meaning of " clean bill "—Additional printed clause excusing shipowners from obligation for correct delivery of iron and steel goods unless specified conditions

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Bill of lading ("*Clean bill*")—*continued.*

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British Imex Industries Ltd. v. Midland Bank Ltd., Salmon J. [1958] 1 Q.B. 542; [1958] 2 W.L.R. 103.

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Chandris v. Isbrandtsen-Moller Co. Inc., Devlin J. and C.A. [1951] 1 K.B. 240.

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Bill of lading date inaccurate—Goods retained by buyer after knowledge of late shipment—Measure of damages—Forged bill of lading—Whether bill a nullity.
Kwei Tek Chao (trading as Zung Fu Co.) v. British Traders and Shippers Ld., Devlin J. [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365.

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Hague Rules—"Steamer has liberty to carry goods on deck"—Deck cargo of tractors carried—Tractor lost overboard—Liability for loss—Carriage of Goods by Sea Act, 1924, s. 1, art. I (*c*), III, rr. 2, 8, IV, 2. **Svenska Traktor Aktiebolaget v. Maritime Agencies (Southampton) Ld.**, Pilcher J. [1953] 2 Q.B. 295; [1953] 3 W.L.R. 426.

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Hague Rules—Limitation of liability—Stevedores engaged by carrier—Action against stevedores for admitted negligence—Whether entitled to protection of limitation—"Carrier"—Carriage of Goods by Sea Act of United States, 1936, ss. 1 (*a*), 4 (5)—Carriage of Goods by Sea Act, 1924, Sch., Art. IV, r. 5.
Midland Silicones Ltd. v. Scruttons Ltd., Diplock J. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761.
C.A. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372.

Indemnity for clean bill

Goods "shipped in apparent good order and condition"—Statement false to knowledge of shipowner—Indemnity taken—Whether enforceable.
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Loading. (For meaning see also **Loading.**)

Hague Rules—Applicability—Goods delivered by sellers under f.o.b. contract—Contract of affreightment made by buyers—Damage to goods during loading due to negligence of shipowners—Goods not past ship's rail—Bill of lading not issued—No passing of property in goods—Whether damage occurred during "contract of carriage by sea"—Whether sellers party to contract of carriage—Exceptions—Whether available against action in tort—Shipowner entitled to limit liability—"Loaded on"—"Loading"—Carriage of Goods by Sea Act, 1924, s. 1, Sch. Art. 1 (*b*) and (*c*), 2, 3, 4 (5).
Pyrene Co. Ld. v. Scindia Navigation Co. Ld., Devlin J. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005.

Mixed consignments

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Provision for delivery of timber at London and Hull—Strike clause—Clause permitting discharge of cargo "at port of loading or any other safe and convenient port"—Discharge to "be deemed due fulfilment of contract"—Validity—Hague Rules, arts. III, rr. 2, 8; IV, r. 4.
G. H. Renton & Co. Ltd. v. Palmyra Trading Corporation of Panama, McNair J. [1955] 3 W.L.R. 535;
C.A. [1956] 1 Q.B. 462; [1956] 2 W.L.R. 232.
H.L.(E.) [1957] A.C. 149; [1957] 2 W.L.R. 45.

Release of goods without production of

Exceptions clause—Responsibility of carrier to "cease absolutely" after discharge—Construction—Implied limitation—Subject to primary contractual obligation to deliver only against production of bill of lading.
Sze Hai Tong Bank Ltd. v. Rambler Cycle Co. Ltd., J.C. [1959] A.C. 576; [1959] 3 W.L.R. 214.

Retention by carriers

Goods shipped from Southampton to Montreal—Freight paid by shipper to carriers in advance—Bills of lading retained by carriers against earlier shipping charges unpaid—Previous similar practice between shipper and carriers—Goods claimed by purchaser in Montreal—Refusal of delivery—Action for mandatory order for delivery—Interim order negatived.
Trucks and Spares Ltd. v. Maritime Agencies (Southampton) Ltd., C.A. [1951] W.N. 597; [1951] 2 T.L.R. 1021; [1951] 2 All E.R. 982.

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Seaworthiness

Hague Rules—Damage to cargo—Negligence in management of ship within art. IV, rule 2 (*a*)—Unseaworthiness—No evidence that unseaworthiness increased damage—Hague Rules, art. III, r. 1; art. IV, rr. 1, 2 (*a*)—(Australian) Sea Carriage of Goods Act, 1924.
Minister of Food v. Reardon Smith Line Ltd., McNair J. [1951] 2 T.L.R. 1158.

Hague Rules—Damage to cargo due to defective storm valves—Negligence of workman of independent contractor—Whether shipowner liable for lack of due diligence—Whether liable for failure to take regular soundings—(Australian) Sea-Carriage of Goods Act, 1924 (No. 22 of 1924)—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 1, art. IV, r. 2 (*a*). **Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd.,** McNair J. [1958] 3 W.L.R. 482.
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Hague Rules—Doctrine of stages—Fire—Loss of cargo—Overriding obligation to exercise due diligence " before and at the beginning of the voyage " to make ship seaworthy—Continuous obligation from at least the beginning of loading until start of voyage—Failure to exercise due diligence—Exemptions excluded—Canadian Water Carriage of Goods Act, 1936—Carriage of Goods by Sea Act, 1924, Sch., arts. III, r. 1; IV, r. 2 (*b*).
Maxine Footwear Co. Ltd. v. Canadian Government Merchant Marine Ltd., J.C. [1959] A.C. 589; [1959] 3 W.L.R. 232.

Time bar

Hague Rules—General average contribution—Bill of lading incorporating York-Antwerp Rules, 1950, and Hague Rules—General average expenditure incurred by ship—Expenditure incurred as result of shipowners' failure to use due diligence to make vessel seaworthy—No damage to goods—Claim by shipowners for general average contribution—" Rights "—" Remedies "—" Fault "—Equitable defence by cargo owners—Cross-claim by cargo owners for damages for breach of contract—Defence and cross-claim not barred by article III, rule 6 of Hague Rules—" Loss or damage "—York-Antwerp Rules, 1950, r. D—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 6.
Goulandris Brothers Ltd. v. B. Goldman & Sons Ltd., Pearson J. [1958] 1 Q.B. 74; [1957] 3 W.L.R. 596.

Certificate of survey. *See* **Passenger steamer.**

Charterparty

Arrived ship. (*See also Cargo; Demurrage.*)

Ship awaiting cargo of maize compelled to wait in Buenos Aires Roads—Ships excluded from dock area unless cargo immediately available—Commercial area of port—Relevance of type of cargo—Roads not place where ships waiting delivery of grain usually lay—Roads not within commercial area of port.
Agrimpex Hungarian Trading Co. for Agricultural Products v. Sociedad Financiera de Bienes Raices S.A. The Aello, Ashworth J. [1957] 1 W.L.R. 1228.
C.A. [1958] 2 Q.B. 385; [1958] 3 W.L.R. 152.
Sociedad Financiera de Bienes Raices S.A. v. Agrimpex Hungarian Trading Company for Agricultural Products. The Aello, H.L.(E.) [1960] 3 W.L.R. 145.

Ship prevented from arriving because no cargo available.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665.

Cargo. (*See also Dangerous cargo.*)

Alternative. *See* Election or Option.

Declaration of quantity—" Quantity in owners' option to be declared by the master " —Declaration by master of approximate quantity—Incapacity of vessel to load amount declared—Whether declaration by master binding on owners—Owners responsible for " loss of or damage to or for delay in delivery of goods "—Owners responsible for " no loss or damage or delay arising from any other cause whatsoever "—Whether owners responsible for loss arising from failure of vessel to load contract quantity of goods.
Louis Dreyfus & Cie v. Parnaso Cia Naviera S.A., Diplock J. [1959] 1 Q.B. 494; [1959] 2 W.L.R. 405.

" Full and complete cargo "—Declaration of quantity—" Quantity in owners' option to " be declared by the master "—Declaration by master of approximate quantity—Vessel unable to load amount declared—Whether owners in breach of contract—Limits of tolerance of " approximate " or " about "—Effect in law of master's declaration.
Louis Dreyfus & Cie v. Parnaso Cia. Naviera S.A., C.A. [1960] 2 Q.B. 49; [1960] 2 W.L.R. 637.

Obligation of charterer to provide—Ship unable to become an arrived ship unless cargo immediately available—Charterers' failure to have cargo available—Liability of charterers for breach of contract—Whether charterers' breach matter of counterclaim or defence.
Agrimpex Hungarian Trading Co. for Agricultural Products v. Sociedad Financiera de Bienes Raices S.A. The Aello, Ashworth J. [1957] 1 W.L.R. 1228.
C.A. [1958] 2 Q.B. 385; [1958] 3 W.L.R. 152.
Sociedad Financiera de Bienes Raices S.A. v. Agrimpex Hungarian Trading Company for Agricultural Products. The Aello, H.L.(E.) [1961] A.C. 135; [1960] 3 W.L.R. 145.

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Charterparty (*Cargo*)—*continued.*

Obligation of charterer to provide—Ship unable to become an arrived ship unless cargo immediately available—Exceptions clause.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665.

Clause paramount

"This bill of lading" subject to Act—Whether clause meaningless—Hague Rules—"Loss "or damage arising . . . from unseaworthiness"—Meaning of "loss or damage"—Whether applicable to non-cargo-carrying voyages—Whether applicable only to physical loss or damage—Carriage of Goods by Sea Act of United States, 1936, ss. 2, 3, (1), 4 (1) (2), 5 and 13—Carriage of Goods by Sea Act, 1924, Sch. arts. II, III, rr. 1, 8, IV, rr. 1, 2, V. **Adamastos Shipping Co. Ltd. v. Anglo-Saxon Petroleum Co. Ltd.,** Devlin J. [1957] 2 W.L.R. 509.
C.A. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 968.
H.L.(E.) [1959] A.C. 133; [1958] 2 W.L.R. 688.

Consecutive voyage charter

Extent and nature of owners' obligations to provide and maintain seaworthy vessel during "the voyage"—Continuing warranty of seaworthiness, perils of sea excepted—"Proceed "with all convenient despatch"—Vessel rendered unseaworthy by incompetence of staff—Owners vicariously liable for negligence of servants despite owners' exercise of due diligence in selection and appointment of staff—Delays—Whether claim for loss of services of vessel sustainable—Basis for assessment of damages.
Adamastos Shipping Co. Ltd. v. Anglo-Saxon Petroleum Co. Ltd., Devlin J. [1957] 2 W.L.R. 509.
C.A. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 968.
H.L.(E.) [1959] A.C. 133; [1958] 2 W.L.R. 688.

Dangerous cargo. (*See also Demurrage;* **Bill of lading.**)

Cargo to consist of lawful general merchandise excluding acids, explosives, arms, ammunition "or other dangerous cargo"—Construction—Ejusdem generis rule—Turpentine loaded with knowledge of master—Whether breach of charterparty.
Chandris v. Isbrandtsen-Moller Co. Inc., Devlin J. and C.A. [1951] 1 K.B. 240.

Demurrage. (*See also Arrived ship.*)

"Average"—Despatch money—Calculation—"Charterers to have right to average days "allowed for loading and discharging."
Alma Shipping Co., S.A. v. V. M. Salgaoncar e Irmaos Ltda., Devlin J. [1954] 1 W.L.R. 650.

Average rate of discharge—Discharge at two ports—Delay in discharge—Calculation of demurrage and despatch money.
United British Steamship Co. Ltd. v. Minister of Food, Croom Johnson J. [1951] W.N. 138.

Dangerous cargo loaded with knowledge of master—Clause excluding dangerous cargo—Breach of charterparty—Vessel ordered to unload in river into barges—Resulting delay—Damages for retention—Demurrage.
Chandris v. Isbrandtsen-Moller Co. Inc., Devlin J. and C.A. [1951] 1 K.B. 240.

Exceptions clause—Centrocon charter—"Time for loading or discharging . . . shall not "count" during strike—Whether receivers liable for demurrage during strike period after expiry of lay time.
Union of India v. Compania Naviera Aeolus S.A., McNair J. [1960] 1 W.L.R. 297.

—————— Charterers excused if loading of cargo delayed by "force majeure, . . . "strikes, . . . or any other hindrance of whatsoever nature beyond the charterers' "control"—Strike preventing loading at nominated port—Duty of charterers to make fresh nomination—Alternative cargoes—"Weather working days"—Treatment of Saturdays.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665.

—————— Charterers excused if loading "of the cargo or the intended cargo" delayed by "force majeure, . . . strikes, . . . or any other hindrance of whatsoever "nature beyond the charterers' control"—Strike at nominated port—Direction of Canadian Wheat Board preventing loading of cargo intended by charterers—Whether bound to load alternative cargo—Whether bound to nominate alternative port—"Weather "working days"—Treatment of Saturdays—Reversible lay days—Dispatch payable on "time saved including Sundays."
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, McNair J. [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665.

—————— Charterparty providing for shipment of wide variety of cargo in Coos Bay/British Columbia range—Exceptions clause excusing charterers from "any delay if cargo intended for shipment . . . cannot be . . . loaded . . . by reason of . . . strikes . . ."—Strike preventing loading of intended cargo of lumber—Extent of delay covered by clause—Charterers' duty to provide alternative cargo within reasonable time.
South African Dispatch Line v. Niki (Owners), Diplock J. [1958] 3 W.L.R. 718.
C.A. [1960] 1 Q.B. 518; [1960] 2 W.L.R. 294.

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Lay time—Calculation—Cargo to be loaded at rate of 150 tons "per available workable "hatch per weather working day." **Compania de Navigacion Zita, S.A. v. Louis Dreyfus & Compagnie,** Devlin J. [1953] 1 W.L.R. 1399.

———— ———— Cargo to be shipped "at the rate of 600 tons when vessel is in a "berth and 350 tons whilst in stream."
V. M. Salgaoncar e Irmaos of Vasgo de Gama v. Goulandris Brothers Ld., Devlin J. [1954] 1 W.L.R. 481.

———— Commencement—Discharge of cargo begun prior to notice of readiness—Commencement of lay time.
Pteroti Compania Naviera S.A. v. National Coal Board, Diplock J. [1958] 1 Q.B. 469; [1958] 2 W.L.R. 505.

Time waiting for berth—"If . . . discharging place . . . not immediately available, "demurrage in respect of all time waiting thereafter shall be paid"—Congestion in only dock—Ship not allowed to enter port—Dock authorities' order that ship should anchor at customary waiting place 22 miles outside port—Customary waiting place not within legal geographical or fiscal limits of port—Ship not an "arrived" ship for purposes of time for discharge—Demurrage payable in respect of time spent at customary waiting place. **Roland-Linie Schiffahrt G.m.b.H. v. Spillers Ltd.,** Sellers J. [1957] 1 Q.B. 109; [1956] 3 W.L.R. 620.

———————— Ship to proceed to one safe berth Dairen—Whether port or berth charter—Lay time to commence 24 hours after notice of readiness to load—"Time "lost in waiting for berth to count as loading time"—Whether time so lost before notice of readiness counts.
North River Freighters Ltd. v. H.E. President of India C.A. [1956] 1 Q.B. 333; [1956] 2 W.L.R. 117.

"Weather working days"—Meaning—Eight-hour normal working period—Custom.
Alvion Steamship Corporation Panama v. Galban Lobo Trading Co. S.A. of Havana, McNair J. [1955] 1 Q.B. 430; [1954] 3 W.L.R. 618.
C.A. [1955] 1 Q.B. 430; [1955] 2 W.L.R. 543.

———————— Meaning—Rain during period when no work being done or contemplated—"Laydays in loading and discharging to be calculated on the basis "of 24 hours per day."
Compania Naviera Azuero S.A. v. British Oil & Cake Mills Ltd., Pearson J. [1957] 2 Q.B. 293; [1957] 2 W.L.R. 997.

———————— ———— Tides—Ship's safety threatened by bore tides—Harbour master ordering ship out of berth for six days—Whether time lost "weather "working days"—Whether failure to load excused by harbour master's order—Illegality.
Compania Crystal de Vapores of Panama v. Herman & Mohatta (India) Ltd., Devlin J. [1958] 2 Q.B. 196; [1958] 3 W.L.R. 36.

Discharge. (*For meaning see* **Loading.**)

Charterer or owner responsible—Custom—Discharge of grain in bulk—Cork.
Sameiling (A/S) v. Grain Importers (Eire) Ltd., Sellers J. [1952] 1 T.L.R. 847; [1952] 2 All E.R. 315.

"*Expenses*"

Meaning—Austral charterparty—Seaworthy trim clause—"any expense incurred in "shifting cargo to be paid by charterers"—Expenses of crew's overtime and loss of ship's time incurred in shifting cargo in order to trim ship—"Any expense" held to mean actual disbursements—Overtime recoverable expense—"Homogeneous cargo" —Cargo of wheat partly in bulk and partly in bags—Effect where cargo is homogeneous.
Chandris v. Union of India, C.A. [1956] 1 W.L.R. 147.

Frustration. See CONTRACT.

Implied term

Vessel chartered to load goods from Syrian port and proceed to Algeria—Vessel required special permission to load—Not within knowledge of charterers—Syrian authorities prohibited export of grain to Algeria—Implied term as to obtaining permission—Time within which to be obtained.
Compagnie Algerienne de Meunerie v. Katana Societa di Navigatione Marittima, S.P.A., Diplock J. [1959] 1 Q.B. 527; [1959] 2 W.L.R. 366.
C.A. [1960] 2 Q.B. 115; [1960] 2 W.L.R. 719.

"*Lawful merchandise.*" (*See also* **Dangerous cargo.**)

Meaning. **Leolga Compania de Navigacion v. John Glynn & Son Ld.,** Pilcher J. [1953] 1 W.L.R. 846.

Option to purchase

Time charterparty—Option to purchase ship, in charterparty—Ship stranded—Notice of abandonment to underwriters—Purported exercise of option to purchase—Implied termination of contract if commercial purpose of charterparty rendered impossible—Frustration.
Blane Steamships Ltd. v. Minister of Transport, C.A. [1951] 2 K.B. 965; [1951] 2 T.L.R. 763.

Port (alternative). See ELECTION OR OPTION.

SHIPPING—*continued.*

Charterparty—*continued.*

Readiness to load

"Full reach and burthen of the steamer including 'tween and shelter decks, bridges, "poop, etc. (provided same are not occupied by bunker coals . . .)"—Construction—Charterer's option to cancel charterparty if vessel not ready to load by specified date—Bunker coal in number 3 lower hold and number 3 'tween deck at cancelling date—Absence of mainmast and after derricks—Readiness to load.
Noemijulia Steamship Co. Ltd. v. Minister of Food, C.A. [1951] 1 K.B. 223.

Rescission

Anticipatory breach—Renunciation or impossibility—Failure to load—Inability of charterer to nominate shipper, or berth, or to provide cargo—Whether breaches of condition or warranty—Charterparty cancelled by shipowners before expiry of lay days—Whether justified—Delay justifying rescission—Proper test to be applied.
Universal Cargo Carriers Corpn. v. Citati, Devlin J. [1957] 2 Q.B. 401; [1957] 2 W.L.R. 713.
(C.A. [1957] 1 W.L.R. 979.)

Safe port

Nomination of unsafe port—Master acting reasonably—Damage to vessel—Charterer liable in damages **Reardon Smith Line Ltd. v. Australian Wheat Board,** J.C. [1956] A.C. 266; [1956] 2 W.L.R. 403.

Ship to "proceed to not more than two approved loading places as ordered . . . ship "to load at two safe berths or loading places"—Whether charterers under obligation to nominate safe loading place—"Approved"—Unsafe place—Damage to ship—Master not negligent—Charterers' liability.
Compania Naviera Maropan S/A v. Bowaters Lloyd Pulp and Paper Mills Ld., Devlin J. [1955] 2 Q.B. 68; [1954] 3 W.L.R. 894.
C.A. [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998.

Sale of vessel under charter

Purchaser's notice of charter—Whether affected by it.
Port Line Ltd. v. Ben Line Steamers Ltd., Diplock J. [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551.

Seaworthiness. (*See also* **Bill of lading.**)

Approach voyage—Whether term as to seaworthiness to be implied.
Compagnie Algerienne de Meunerie v. Katana Societa di Navigatione Marittima, S.P.A., C.A. [1960] 2 Q.B. 115; [1960] 2 W.L.R. 719.

Substitution of vessel

Right to substitute vessel "at any time"—Clause—Construction.
S.A. Maritime et Commerciale of Geneva v. Anglo-Iranian Oil Co. Ld., Devlin J. [1953] 1 W.L.R. 1379;
C.A. [1954] 1 W.L.R. 492.

Voyage. See Consecutive voyage.

War risks clause

"Government"—Compliance with orders or directions given by "the government of the "nation under whose flag the vessel sails . . . or any other government"—Cargo discharged on orders of government in Formosa—No recognition by Foreign Office of any government located in Formosa. **Luigi Monta of Genoa v. Cechofracht Co. Ltd.,** Sellers J. [1956] 2 Q.B. 552; [1956] 3 W.L.R. 480.

Collision, etc.

Both-to-blame clause. See **Bill of Lading.**

Damages. (*See also* FATAL ACCIDENTS ACTS (**Damages**).)

Remoteness—Damaged vessel's refusal of offer to tow by other vessel—Subsequent sinking—Reasonableness of refusal—Burden of proof.
The Guildford, Lord Merriman P. [1956] P. 364; [1956] 3 W.L.R. 474.

Repairs—Repairs to be executed at owner's convenience—Permanent repairs impracticable in Great Britain—Vessel sent to New York expressly for permanent repairs—Further damage caused by heavy weather during voyage—Immediate repairs necessary—All repairs executed contemporaneously—Detention longer than needed for repairs of collision damage—Whether detention in repairing collision damage recoverable.
Carslogie S.S. Co. Ltd. v. Royal Norwegian Government, C.A. [1951] P. 167; 66 T.L.R. (Pt. 2) 683.
H.L.(E.) [1952] A.C. 292; [1951] 2 T.L.R. 1099; [1952] 1 All E.R. 20.

Damages for detention

Damaged vessel owned by public authority and not profit-earning—No other vessels chartered to replace damaged vessel—Measure of damages—Rate of interest on capital.
The Hebridean Coast, Lord Merriman P. [1959] 3 W.L.R. 569
C.A. [1960] 3 W.L.R. 29.

Vessel under charter—Rise in freight market during detention of vessel—Vessel delayed from trading under enhanced freight rates in subsequent charter—Measure of damages
The Soya, Willmer J. [1955] 1 W.L.R. 1246.
C.A. [1956] 1 W.L.R. 714.

Fog

"Moderate" speed—Circumstances to be considered—Radar—Continuous radar watch not being kept—Regulations for Preventing Collisions at Sea, 1910, art. 16.
The Chusan, Willmer J. [1956] 1 W.L.R. 72.

SHIPPING—*continued.*

Collision, etc.—*continued.*

Lights

Hull of aircraft carrier (in tow) with steamship—Aircraft carrier alone to blame—Defective port side light—Whether bound to exhibit "not-under-command" lights—Defective planning in putting to sea in conditions indicated by falling barometer—Failure to broadcast warnings to shipping—Liability—Apportionment between shipbuilding contractors and towage sub-contractors—Regulations for Preventing Collisions at Sea, arts. 4 and 29—Merchant Shipping Act, 1894, s. 419 (1).
The Albion, Willmer J., C.A. [1952] W.N. 292; [1953] P. 117; [1953] 2 W.L.R. 807.

Submarine and steamship—Submarine 75 per cent. to blame—Navigation lights not placed in compliance with the Regulations for Preventing Collisions at Sea or King's Regulations and Admiralty Instructions—Actual fault or privity of owner—Duties of responsible Sea Lord—Merchant Shipping Act, 1894, ss. 419, 741.
The Truculent, Willmer J. [1952] P.1.; [1951] 2 T.L.R. 895; [1951] 2 All E.R. 968.

Log book

Admissibility in evidence. **Practice Note,** Willmer J. [1953] 1 W.L.R. 262.

Negligence

Onus of proof. **Esso Petroleum Co. Ld. v. Southport Corpn.**
Devlin J. [1953] 3 W.L.R. 773;
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.
H.L.(E.) A.C. 218; [1956] 2 W.L.R. 81.

River Thames

Duty of vessel navigating against the tidal stream when approaching or rounding point or sharp bend—Port of London River Bye-Laws, 1938, bye-law 42 (*a*).
The Timandra, Willmer J. [1956] 1 W.L.R. 691.

Lights—Both vessels in breach of by-laws—Failure to exhibit second masthead light in addition to towage lights—Embarrassment to other vessels—Duty of vessel navigating against tidal stream when approaching or rounding point or sharp bend—Port of London River By-laws, 1938, by-laws 8 (*b*), 14 (*a*), (*b*), 39 and 42 (*a*).
The Wirral Bank, Willmer J. [1952] P. 23; [1951] 2 T.L.R. 1143.

Salvors' vessel in collision with salved property

Standard of care—Principles applicable. **The Alenquer,** Willmer J. [1955] 1 W.L.R. 263.

Stranding

Channel approaching harbour—Obstruction by silt—Negligence of harbour authority—Failure to warn pilot and master—Liability of harbour authority—Negligence of compulsory pilot—Responsibility of shipowner—Harbours, Docks and Piers Clauses Act, 1847, s. 74—Pilotage Act, 1913, s. 15.
Workington Harbour and Dock Board v. Towerfield, H.L.(E.) [1951] A.C. 112.

Public navigable river—Ship refloated by jettison of oil—Damage to foreshore by oil—Action by foreshore owners against shipowners—Claim based on trespass, nuisance and negligence of owner's servants—Suggestion of faulty steering gear made at trial—Not pleaded—Res ipsa loquitur—Onus of proof.
Esso Petroleum Co. Ltd. v. Southport Corpn., Devlin J. [1953] 3 W.L.R. 773;
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200;
H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Tug and tow

Negligence of crew of tug outside province of pilot of tow—Damage to third vessel—Liability of regular employer or hirer—All three vessels to blame—Separate and distinct faults of tug and of tow—Division of loss—Maritime Conventions Act, 1911, s. 1.
The M.S.C. Panther and the Ericbank, Willmer J. [1957] P. 143;
[1957] 2 W.L.R. 432.

Compulsory pilotage. (*See also* **Collision, etc.** (*Stranding*).)

Foreign port

Negligence—Pilot in control of navigation—Defence to action for damages—Shipowner not liable under foreign law for negligence of pilot—Port of Basrah By-laws—Incorporation of article 29 of Regulations for Preventing Collisions at Sea.
The Waziristan, Willmer J. [1953] 1 W.L.R. 1446.

Home trade

Pilotage authority by-law exempting "home trade ships"—Dutch ship regularly trading within home trade limits—Master's refusal to carry pilot on voyage to port beyond home trade limits—Whether exempted—"Home trade ship"—Pilotage Act, 1913, s. 11 (1) (2) (4)—Merchant Shipping Act, 1894, s. 742.
Smith v. Veen, Divl.Ct. [1955] 2 Q.B. 277; [1955] 2 W.L.R. 1166.

Contract of carriage. (*See also* **Bill of lading; Charterparty; London lighterage.**)

Oral

Oral contract that vessel would go direct to London—Goods loaded—Bill of lading issued—Deviation—Late delivery of goods—Loss of market—Bill of lading not contract—Evidence of contract admissible—Measure of damages.
S.S. Ardennes (Cargo Owners) v. S.S. Ardennes (Owners), Lord Goddard C.J.
[1951] 1 K.B. 55.

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Court of formal investigation

Jurisdiction

Suspension of officer's certificate—Findings necessary to found jurisdiction—Form of report in quasi-penal proceedings—Report subsequently amended after reading in open court—Effect of amended report—Slip rule—Merchant Shipping Act, 1894, ss. 466, 470.
The Corchester, Divl.Ct. [1957] P. 84; [1956] 3 W.L.R. 1090.

Report

Expression of censure in rider signed by one assessor—Absence of notice of charge against officer censured—Irregularity. **The Seistan,** Admiralty [1960] 1 W.L.R. 186.

Discharge. *See* **Bill of lading; Charterparty; Loading or discharge.**

Dock. *See* DOCK.

Docks regulations. *See* DOCK.

Freight

Quantum meruit. *See* QUANTUM MERUIT.

General average

Hague Rules

Bill of lading incorporating York-Antwerp Rules, 1950, and Hague Rules—General average expenditure incurred by ship as result of shipowners' failure to use due diligence to make vessel seaworthy—No damage to goods—Claim by shipowners for general average contribution—York-Antwerp Rules, 1950, r. D—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 6.
Goulandris Brothers Ltd. v. B. Goldman & Sons Ltd., Pearson J.
[1958] 1 Q.B. 74; [1957] 3 W.L.R. 596.

Licence

Repairs

Not to be carried out "except under the authority of a licence granted by the Admiralty"—Oral permission—Assumption of authority by government officer—Whether subject protected if authority exceeded—Restriction of Repairs of Ships Order, 1940, para. 1.
Howell v. Falmouth Boat Construction Co. Ltd., H.L.(E.) [1951] A.C. 837;
[1951] 2 T.L.R. 151; [1951] 2 All E.R. 278.

Licensing. *See* LICENSING (**Passenger vessels**).

Limitation of liability. (*See also* ADMIRALTY.)

Contractual exclusion

Towage—Towowners to pay for "all loss or damage"—Tug in collision with tow—Whether parties contracting out of section 503 of the Merchant Shipping Act, 1894—United Kingdom Standard Towage Conditions—Merchant Shipping Act, 1894, s. 503.
The Kirknes, Willmer J. [1957] P. 51; [1957] 2 W.L.R. 20.

Crown

Submarine in collision with steamship—Submarine 75 per cent. to blame—Board of Admiralty disentitled to limitation of liability—Crown Proceedings Act, 1947, ss. 1, 5 (1)—Merchant Shipping Act, 1894, ss. 419, 741.
The Truculent, Willmer J. [1952] P. 1; [1951] 2 T.L.R. 895; [1951] 2 All E.R. 968.

Warship in collision—Solely to blame—Crown not entitled to limit liability—Express statutory exclusion—Canada Shipping Act, 1934, c. 44, ss. 649, 712.
Nisbet Shipping Co. Ld. v. The Queen, J.C. [1955] 1 W.L.R. 1031.

Double proof

Claim of harbour authority for expenses of wreck-raising—Claim of owner of sunk vessel in respect of contingent claim by harbour authority for wreck-raising expenses under powers contained in private Act—Mersey Docks and Harbour Board Act, 1954, s. 3.
The Liverpool (No. 2), Lord Merriman P. [1960] 2 W.L.R. 541.
C.A. [1960] 3 W.L.R. 597.

Expenses of raising vessel

Whether "injury or damage"—Harbours and docks—Obstruction to navigation of canal by sunken barge—No physical damage or injury to harbour works—Liability of barge owners for expenses incurred by canal company in removing obstruction—Whether right to limit liability—Harbours, Docks and Piers Clauses Act, 1847, s. 74—Merchant Shipping Act, 1894, s. 503—Merchant Shipping (Liability of Shipowners and Others) Act, 1900, ss. 1, 3—Manchester Ship Canal Act, 1897, s. 9—Manchester Ship Canal Act, 1936, s. 32 (1) (2). **The Stonedale No. 1,** Willmer J. [1953] 1 W.L.R. 1241;
C.A. [1954] P. 338; [1954] 2 W.L.R. 1075.
H.L.(E.) [1956] A.C. 1; [1955] 3 W.L.R. 203.

Fault or privity

Fatal accident—Negligence—Unsafe system of work—Member of crew killed—Merchant Shipping Act, 1894, s. 503.
Beauchamp v. Turrell, Sellers J. [1952] 2 Q.B. 207; [1952] 1 T.L.R. 695.

Vessel manned with insufficient number of certificated officers—Collision occurring during watch of uncertificated officer—Actual fault or privity of owners—Merchant Shipping Act, 1894, s. 503—Hong Kong Merchant Shipping (Amendment) Ordinance No. 2 of 1949. **The Empire Jamaica,** Willmer J. [1955] P. 52; [1955] 2 W.L.R. 435;
C.A. [1955] P. 259; [1955] 3 W.L.R. 385.
H.L.(E.) [1957] A.C. 386; [1956] 3 W.L.R. 598.

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Load line

Overloading

Contravention of statute—Effect on contract of carriage—Whether shipowner entitled to recover freight—Merchant Shipping (Safety and Load Line Conventions) Act, 1932, ss. 44, 57.
St. John Shipping Corporation v. Joseph Rank Ltd., Devlin J. [1957] 1 Q.B. 267; [1956] 3 W.L.R. 870.

Timber deck cargo

Loaded to a height in excess of the permitted maximum on fore deck and raised quarter deck—Whether one or two offences—Timber Cargo Regulations, 1932, reg. 5 (*b*)—Merchant Shipping (Safety and Load Line Conventions) Act, 1932, s. 61 (4), (6).
Regina v. Campbell. *Ex parte* **Nomikos,** Divl.Ct. [1956] 1 W.L.R. 622.

Loading or discharge. (*See also* **Bill of lading; Charterparty.**)

Meaning

Bagged cargo unloaded but spillage not cleared.
Mace v. R. & H. Green and Silley Weir Ltd. and British India Steam Navigation Co. Ltd., Lord Parker C.J. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504.

London lighterage clause

Bailment

"Landing account" including London lighterage clause exempting bailees from liability for negligence—Goods handed over to bailor in damaged state—Claim for damages for breach of implied term to take reasonable care of goods stored—Bailee found negligent without giving evidence—Sufficient notice of exceptions clause—Bailee protected by clause against claim for negligence simpliciter—Whether clause would protect bailee against claim for breach of fundamental term of or deviation from contract.
J. Spurling Ltd. v. Bradshaw, C.A. [1956] 1 W.L.R. 461.

Marine insurance. *See* INSURANCE.

Master

Right of master to detain person

Preservation of order or safety of vessel.
Hook v. Cunard S.S. Co., Slade J. [1953] 1 W.L.R. 682.

Wages and disbursements

National insurance contributions—Agreement by owner to pay employer's and employee's proportion—Failure of owner to pay either—Equivalent to wages—Maritime lien on ship.
Skeldon v. M.V. Gee Whiz. The Gee Whiz, Willmer J. [1951] W.N. 141; [1951] 1 T.L.R. 407; [1951] 1 All E.R. 876.

Nuisance

Discharge of oil

Public navigable river—Tanker stranded in estuary—Refloated by jettison of oil cargo—Damage to foreshore by oil—Action by owners of foreshore against shipowners—Claim based on trespass, nuisance and negligence—Negligence—Res ipsa loquitur—Onus of proof. **Esso Petroleum Co. Ld. v. Southport Corpn.,** Devlin J. [1953] 3 W.L.R. 773; C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200; H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.

Passenger

Exceptions clause

Conditions exempting shipping company from liability for injury to passenger—Injury to passenger due to alleged negligence of servants of company—Action against servants—Whether entitled to protection of conditions.
Adler v. Dickson, Pilcher J. [1954] 3 W.L.R. 450. C.A. [1955] 1 Q.B. 158; [1954] 3 W.L.R. 696.

"Passenger steamer"

Meaning

Fishing vessel gratuitously carrying visitors to warship—Whether a passenger steamer—Whether certificate of survey required—Merchant Shipping Act, 1894, ss. 267, 271.
Duncan v. Graham, Divl.Ct. [1951] 1 K.B. 68.

Pilotage. *See* **Compulsory pilotage.**

Prize

Partly built vessels

Capture of enemy ports—Physical capture a taking in prize—Intention to seize gives jurisdiction—Uncompleted vessel, not capable of floating, a maritime prize—Continuance of right of seizure after unconditional surrender of enemy High Command.
Schiffahrt-Treuhand, G.m.b.H. v. Her Majesty's Procurator-General, Lord Merriman P. [1951] P. 347; [1951] 2 T.L.R. 54. J.C. [1953] A.C. 232; [1953] 2 W.L.R. 209.

Repairs. *See* **Licence.**

Requisition

Compensation

X's bareboat charter from owners determined by requisition—Charterers' time charter with X not so determined—Whether charterers can recover compensation paid to owners for requisition period—Compensation (Defence) Act, 1939, s. 4 (3).
Port Line Ltd. v. Ben Line Steamers Ltd., Diplock J. [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551.

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Sale of ship. (*See also* SALE OF GOODS.)

Hull damage

Class maintained—Whether purchaser entitled to refuse ship until repaired—Meaning of "free from average"—"Average" Priam Terms—Lloyd's survey—Repairs deferred to owner's convenience. **Kelman v. Livanos,** McNair J. [1955] 1 W.L.R. 590.

Salvage

Assessment of awards

Elements material—Tax element—Incidence of taxation on award not material.
The Makedonia, Pilcher J. [1958] 1 Q.B. 365; [1958] 2 W.L.R. 256.

Personal award

Tax element—Liability to taxation on award—Effect on award.
The Telemachus, Willmer J. [1957] P. 47; [1957] 2 W.L.R. 200.

Salvage or towage

Ocean towage—Indian Ocean to United Kingdom—Original salvor substituted for another at Aden—Place of safety—No facilities for repair to disabled ship or tug services practicable abroad—Towage continued to Falmouth—Whether salvage or towage after Aden—Liability of cargo-owners to contribute to salvage award.
Troilus v. Glenogle, H.L.(E.) [1951] A.C. 820; [1951] 2 T.L.R. 22; [1951] 2 All E.R. 40.

Services at request

Vessel answering S.O.S. and distress signals—Misconduct of salvors—Negligent navigation—Forfeiture of award. **The Alenquer,** Willmer J. [1955] 1 W.L.R. 263.

Services rendered by enemy alien

Salvage services rendered to British ship—Claim by enemy alien company—Licence to sue issued by Secretary of State—Not competent for court to inquire into validity of licence—Trading with the Enemy Act, 1939, s. 2.
Bugsier Reederei-und-Bergungs A/G v. S.S. Brighton. The Brighton, Willmer J. [1951] W.N. 370; [1951] 2 T.L.R. 409.

Services rendered by vessel in same ownership

Collision damage—Consequent salvage services rendered by vessel in same ownership as wrongdoing ship solely to blame—Salvage award to be included in claim for damages arising out of collision—Salvors not disentitled—Circuity of action.
Susan V. Luckenbach v. Admiralty Commissioners. The Susan V. Luckenbach, C.A. [1951] P. 197; [1951] 1 T.L.R. 165; [1951] 1 All E.R. 753.

Seaman

Fishing boat

Engagement of seaman as substitute—Agreement not signed—Failure to join ship—Refusal to proceed to sea—Whether offence committed—Merchant Shipping Act, 1894, s. 401 (3). **Crawley v. Parsons,** Divl.Ct. [1952] W.N. 407; [1952] 2 T.L.R. 396; [1952] 2 All E.R. 488.

Seaworthiness. (*See also* **Bill of lading; Charterparty.**)

Barge

Unexplained sinking—Loss of cargo—Inference of unseaworthiness—Burden of proof.
The Southern Sword, U.S. C.A. (3rd Cir.) [1951] 2 T.L.R. 1083.

Tug and towage. (*See also* **Collision.**)

Contract

Breach—Whether fundamental—Construction—Towage contractors to be indemnified for all "damage whatsoever"—Tow in collision with another vessel—Tug owners and tow owners liable in disproportionate degrees—Indemnity.
The Albion, C.A. [1953] 1 W.L.R. 1026.

Construction—Negligent navigation of tug—Towage agreement—Construction—"Whilst "towing"—"When the tug is in a position to pick up ropes or lines"—United Kingdom Standard Towage Conditions.
The Impetus, Karminski J. [1959] P. 111; [1959] 2 W.L.R. 820.

Implied agency—Whether tugowners contracting as agents for master and crew of tug—United Kingdom Standard Towage Conditions.
The Kirknes, Willmer J. [1957] P. 57; [1957] 2 W.L.R. 20.

Shipping and unshipping of goods

Exclusion of privately owned tugs—Humber Commercial Railway and Dock Act, 1901, ss. 66, 70—Harbours, Docks, and Piers Clauses Act, 1847, s. 33.
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Albion. **The Albion,** C.A. [1953] 1 W.L.R. 1026.

SHIPS' NAMES—*continued.*

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Ardennes. **S.S.Ardennes (cargo-owners) v. S.S. Ardennes (owners),** Lord Goddard C.J. [1951] 1 K.B. 55.

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SHOP. (*See also* Landlord and Tenant; Words and Phrases.)

Early closing

Mixed shop

Number of different trades or businesses carried on—Local orders providing for Wednesday closing in respect of four of shop's businesses—Application of orders to mixed shops—Shops Act, 1950, s. 1 (1) (2).

Fine-Fare Ltd. v. Brighton Corporation, Divl.Ct. [1959] 1 W.L.R. 223.

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Early closing—*continued.*

Registered shop

Local order providing for Thursday closing—No provision for registered shops—Application of order to registered shops—Shops Act, 1950, ss. 1, 53 (1) (13), 76 (2).
Miller's Cash Stores Ld. v. West Ham Corporation, Divl.Ct. [1955] 1 W.L.R. 1121.

New tenancy. *See* LANDLORD AND TENANT (**Business premises**).

" Place " in which retail trade carried on

Mobile trader

Weekday closing—Costermonger's barrow—Whether " any place not being a shop "—Whether distinction between Sunday and weekday closing—Whether piece of ground constituted " place " by casual retail sale—Degree of permanency necessary—Shops Act, 1950, ss. 12 (1), 58.
Kahn v. Newberry, Divl.Ct. [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650.

Sunday closing

Exemption from

Retail shop carrying on several trades or businesses—Failure to display notice stating purpose for which shop open—Prosecution—Charge improperly laid—Shops Act, 1950, ss. 47, 50. **Tonkin v. Raven**, Divl.Ct. [1959] 1 Q.B. 177; [1958] 3 W.L.R. 643.

Garage

Premises used for second-hand car business lawfully open on Sunday for sale of accessories—Display of cars for sale—Examination of cars by possible customers and discussion with assistant—Car driven by assistant on demonstration ride—No sale of car—" Serving of customers "—Whether premises open for the serving of customers in connexion with second-hand car business—Shops Act, 1950, ss. 47, 59, Sch. 5.
Waterman v. Wallasey Corporation. Hesketh v. Same, Divl.Ct. [1954] 1 W.L.R. 771.

Mobile shop

Whether part of road where van standing a " place " where retail trade carried on—Shops Act, 1950, ss. 47, 58, 74 (1).
Stone v. Boreham, Divl.Ct. [1959] 1 Q.B. 1; [1958] 3 W.L.R. 209.

SIGNATURE. (*See also* AGENCY (**Contract**); WILL.)

Bill of costs

Facsimile rubber stamp signature

Business name of solicitor affixed to bill by a rubber stamp—Solicitor practising alone—Whether bill duly " signed "—Solicitors Act, 1932, s. 65.
Goodman v. J. Eban Ld., C.A. [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581.

Company

Rubber stamp

Whether effective.
Lazarus Estates Ltd. v. Beasley, C.A. [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502.

Non est factum. *See* ESTOPPEL (**Deed, by**).

Signature by proxy

Notice to quit

To be " signed by valuer "—His name signed by assistant—Letters " p.p." omitted from signature—Proof of authority to proxy necessary.
London County Council v. Agricultural Food Products Ld. Same v. Vitamins Ld. C.A. [1955] 2 Q.B. 218; [1955] 2 W.L.R. 925.

Tribunal's decision

Case stated

Signed only by chairman of tribunal—Not a ground for its rejection.
Peradeniya Service Bus Co. Ltd. v. Sri Lanka Omnibus Co. Ltd., J.C. [1952] W.N. 373.

SILVER

See PLATE.

SINGAPORE. (*See also* MALAYA.)

Evidence

Burden of proof

Criminal case—Evidence Ordinance (Laws of Singapore, 1955, c. 4), s. 107.
Ng v. The Queen, J.C. [1958] A.C. 173; [1958] 2 W.L.R. 599.

Landlord and tenant

Rent restriction

Alternative accommodation—Business premises—Multiple business—Claim to possession of one set of premises—Where business displaced can be adequately carried on—Control of Rent Ordinance, No. 25 of 1947, s. 14 (1) (*m*).
Singh v. Malayan Theatres Ld., J.C. [1953] A.C. 632; [1953] 3 W.L.R. 491.

Subtenancy

Determination of head tenancy—Subtenant a " statutory tenant "—Entitled to remain in possession—Control of Rent Ordinance (No. 25 of 1947), ss. 2, 14 (1), 15, 16, 17.
Guan Seng Kee Ld. v. Buan Lee Seng Ld., J.C. [1954] A.C. 53; [1953] 3 W.L.R. 1034.

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Laws made by British or Allied military authority

Validity

Criminal Law—Finance Regulations—Military Administration Proclamation, 1945—Singapore Colony Order in Council, 1946, ss. 2 (1), 40 (1), 42 (1), 49—Indemnity and Validating Ordinance, s. 5. **E. H. Battat v. The King,** J.C. [1951] A.C. 519.

Mixed marriage

Non-Christians

Modified Chinese form of marriage ceremony—Validity—Common law monogamous marriage. **Penhas v. Tan Soo Eng,** J.C. [1953] A.C. 304; [1953] 2 W.L.R. 459.

Moneylender

Definition

Exclusion from—Loans "in the course" and "for the purposes" of business not having for its primary object the lending of money—Moneylenders Ordinance (Laws of the Colony of Singapore, 1955 Ed., c. 193), s. 2 (*d*)—Moneylenders Act, 1900, s. 6 (*d*). **Official Assignee of Khoon v. Ek Liong Hin Ltd.,** J.C. [1960] A.C. 178; [1960] 2 W.L.R. 250.

Shipping

Bill of lading

Release of goods without production of—Exceptions clause—Responsibility of carrier to "cease absolutely" after discharge—Construction. **Sze Hai Tong Bank Ltd. v. Rambler Cycle Co. Ltd.,** J.C. [1959] A.C. 576; [1959] 3 W.L.R. 214.

SMALL DWELLINGS. *See* Housing; Mortgage.

SLANDER OF TITLE

Declaration of title

Persistent adverse claim

Trade mark—Defendant's letters bearing mark. **R. J. Reuter Co. Ld. v. Mulhens,** C.A. [1954] Ch. 50; [1953] 3 W.L.R. 789.

Wrongful claim that certain property belonged to estate of intestate—No malice—No grant obtained by defendant when action brought—Defendant persisting in wrongful claim—Failure to obtain grant no defence—Plaintiff not entitled to damages—Declaration as to plaintiff's title—R.S.C., Ord. 25, r. 5. **Loudon v. Ryder (No. 2),** Harman J. [1953] Ch. 423; [1953] 2 W.L.R. 863.

Sport

Boxing championship title

Foreign title—No confusion between plaintiff and defendant—Plaintiff no reputation in this country. **Serville v. Constance,** Harman J. [1954] 1 W.L.R. 487.

SOLICITOR

Accounts

Client account

Whether chose in action "held in trust"—Bankruptcy Act, 1914, ss. 18, 38 (1)—Trustee Act, 1925, s. 41 (1)—Solicitors Act, 1933, ss. 1, 8 (1)—Solicitors Act, 1941, Sch. 1, para. 5—Solicitors' Accounts Rules, 1945, rr. 2 (1), (3), (4). *In re* **A Solicitor,** Roxburgh J. [1952] Ch. 328; [1952] 1 All E.R. 133.

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Limitation of action

Mortgage—Possession—No interest paid for over 12 years—Acknowledgment in solicitor's letter. **Wright v. Pepin,** Harman J. [1954] 1 W.L.R. 635.

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Issue of writ

Gaming debt—Specially indorsed writ for account stated—Indorsement fictitious—Whether contempt. **Rex v. Weisz.** *Ex parte* **Hector MacDonald Ltd.,** Divl.Ct. [1951] 2 K.B. 611;

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Chancery Division—Figures and dates—To be in figures and not in words—Costs of re-swearing and re-filing affidavit not complying with direction payable by solicitor personally. **Love v. Pharaoh and Roberts (Practice Note),** Harman J. [1954] 1 W.L.R. 190.

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Solicitor retained after order securing property—Right to charging order—Quantum—Priority to bank—Solicitors Act, 1932, s. 69. **Wimbourne v. Fine,** Harman J. [1952] Ch. 869; [1952] 2 T.L.R. 596; [1952] 2 All E.R. 681.

Husband and wife

Agency—Husband's liability to wife's solicitors for wife's costs in resisting application under Married Women's Property Act, 1882, s. 17. **J. N. Nabarro & Sons v. Kennedy,** Stable J. [1955] 1 Q.B. 575; [1954] 3 W.L.R. 296.

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Divorce—Whether absolute lien in divorce suit.
Hughes v. Hughes, Wrangham J. [1958] P. 221; [1958] 2 W.L.R. 934.
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Solicitor with lien on mortgagor's title deeds also acting for mortgagee—Deeds retained by solicitor on behalf of mortgagee—Mortgage transferred to solicitor—Redemption—Enforceability of lien against mortgagor.
Barratt v. Gough-Thomas, C.A. [1951] Ch. 242.

Lower fee charged

Solicitor acting for both mortgagor and mortgagee—Trade union mortgagee—Purchaser mortgagor trade union member—Purchaser charged less than scale fee—Solicitors' Remuneration Act General Order, 1882, Sch. I, Pt. I, r. 6—Solicitors' Practice Rules, 1936, rr. 1, 2 (*a*).
In re **Evill,** Divl.Ct. [1951] W.N. 249; [1951] 2 T.L.R. 265; [1951] 2 All E.R. 108.

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"Contentious" business—"Non-contentious" business—Client's petition for judicial separation prepared—Change of solicitor before filing of petition—Whether first solicitor entitled to submit lump or gross sum bill—Whether matters contained in bill wholly non-contentious—Solicitors' Remuneration Order, 1953, Sch. 2.
In re **A Solicitor.** *In re* **Taxation of Costs,** Gerrard J. [1955] 2 W.L.R. 281.
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Non-contentious business—Agreement for lump sum payment for costs—Whether client entitled to itemized bill—Solicitors Act, 1957, s. 57 (1).
Rutter v. Sheridan-Young, C.A. [1958] 1 W.L.R. 444.

Remuneration and disbursements included in one lump sum charge—Whether client entitled to itemized bill more than six months after lump sum charge paid—Solicitors' Remuneration Order, 1882 (General Order of 1882), art. 2 (*c*)—Solicitors Act, 1932, ss. 64, 66—Solicitors' Remuneration (Gross Sum) Order, 1934, art. 1.
In re **A Solicitor.** *In re* **A Taxation of Costs,**
C.A. [1953] Ch. 480; [1953] 2 W.L.R. 1098.

Whether business "contentious" or "non-contentious"—Compulsory winding up—Work done in contemplation of legal proceedings—No proceedings taken.
In re **Simpkin Marshall Ltd.,** Wynn-Parry J. [1959] Ch. 229; [1958] 3 W.L.R. 693.

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Bill—Counsel's fees entered as paid—Fees in fact unpaid—Subsequent payment of fees—Whether jurisdiction to allow withdrawal of bill and delivery of fresh bill—Solicitors Act, 1932, ss. 65 (1), 66, 68, 81.
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In re **A Solicitor; Levy v. Tiger,** Harman J. [1951] W.N. 153; [1951] 1 T.L.R. 674; [1951] 1 All E.R. 592.

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Harris v. Yarm, Roxburgh J. [1960] Ch. 256; [1959] 3 W.L.R. 924.

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Harman J. [1955] 1 W.L.R. 439.
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Non-contentious business—Oral agreement to charge less than authorized scale alleged—Enforceability—Solicitors Act, 1932, s. 57.
In re **A Solicitor,** Pearson J. [1956] 1 Q.B. 155; [1955] 3 W.L.R. 549.

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Reed v. Gray, Roxburgh J. [1952] Ch. 337; [1952] 1 T.L.R. 114; [1952] 1 All E.R. 241.

Summons for review of taxation—Legal aid—Summons in assisted party's name—Power to order taxation of costs of summons—Legal Aid (General) Regulations, 1950, reg. 18 (3) (*b*). **Rolph v. Marston Valley Brick Co. Ltd.,** Devlin J. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929.

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Administrator—Insolvent estate—Solicitor acting as administrator—Court's discretion to allow costs—Exceptional circumstances.
In re **Worthington, decd.,** Upjohn J. [1954] 1 W.L.R. 526.

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Sentence—Solicitor convicted of indecent assault—Struck off the Roll for conduct unbefitting a solicitor—Appeal to Divisional Court against penalty—Misconduct of non-professional nature—Powers of court to vary penalty.
In re **A Solicitor,** Divl.Ct. [1956] 1 W.L.R. 1312.

" *Grossly improper conduct* "

Intention to deceive—Requisition for company meeting—Signatures from original document pasted on to new amended document—Some signatories no longer shareholders—No intention to deceive—Advocates and Solicitors Ordinance, No. 4 of 1947, ss. 26, 27.
Rajasooria v. Disciplinary Committee, J.C. [1955] 1 W.L.R. 405.

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Davies v. Davies, C.A. [1960] 1 W.L.R. 1004.

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Convicted of larceny in 1953—Not connected with money or property of employer or client—Disqualification order of disciplinary committee in 1957 made as result of legislation subsequent to conviction—Power of committee to make order—Solicitors Act, 1941, s. 16 (1) (*a*)—Solicitors (Amendment) Act, 1956, s. 11 (1) (*a*).
In re **A Solicitor's Clerk,** Divl.Ct. [1957] 1 W.L.R. 1219.

False affidavit—Allegations against solicitor unsubstantiated—Power of disciplinary committee to make order against clerk—Solicitors Act, 1941, s. 16 (1) (*b*).
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In re **A Solicitor,** Divl.Ct. [1960] 2 Q.B. 212; [1960] 3 W.L.R. 138.

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Land of client sold by auction—Requisition by purchaser as to title—Requisition answered in accordance with general conveyancing practice—Purchaser thereby enabled to refuse to complete and to recover deposit—Opportunity for resale—Advice against resale

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Solicitor instructed by man and woman to draft wills conferring benefits on each other—Jocular reference to possibility of marriage—Subsequent marriage of clients—Failure of solicitor to advise on revocation of wills by subsequent marriage—Consequent loss by client of benefits conferred on her by man's will—Duty of solicitor.
Hall v. Meyrick, Ashworth J. [1957] 2 W.L.R. 458;
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Facsimile rubber stamp signature—Business name of solicitor affixed to bill by a rubber stamp—Solicitor practising alone—Whether bill duly "signed"—Solicitors Act, 1932, s. 65. **Goodman v. J. Eban Ld.,** C.A. [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581.

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Brownsea Haven Properties Ltd. v. Poole Corpn., Vaisey J. [1957] 3 W.L.R. 669.
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Kushner v. Law Society, Divl.Ct. [1952] 1 K.B. 264; [1952] 1 T.L.R. 424;
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South Africa Act—Entrenched sections—Procedure for amending—Effect of Statute of Westminster—Meaning of "Parliament"—Act of Parliament—Validity—Jurisdiction of Courts—Final Court of Appeal—Whether bound by own decisions—South Africa Act, 1909, ss. 35, 152—Statute of Westminster, 1931, s. 2—(South African) Separate Representation of Voters Act, 1951. **Harris v. Döuges,** S.A. Supreme Ct.
[1952] 1 T.L.R. 1245.

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Murray v. Harringay Arena Ltd., Ormerod J. [1951] W.N. 38.
C.A. [1951] 2 K.B. 529; [1951] 2 All E.R. 320.

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O'Dowd v. Frazer-Nash, McNair J. [1951] W.N. 173.

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Relevance of results of alternative possible constructions—Equitable construction preferred —Estate duty statute.
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Sclater v. Horton, C.A. [1954] 2 Q.B. 1; [1954] 2 W.L.R. 566.

Workability—Technical, but no practical difficulty—Closer Settlement (Amendment) Act, 1907 (N.S.W.), as amended, s. 4 (4) (*b*) (i) (ii).
Pye v. Minister for Lands for New South Wales, J.C. [1954] 1 W.L.R. 1410.

Alternative or collective provisions

Proof of "a, b or c"—Whether a and b collective or alternative—Meaning of "or"— Leasehold Property (Repairs) Act, 1938, s. 1 (5).
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Relevance of inconvenient results of one construction.
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Bankes v. Salisbury Diocesan Council of Education Incorporated, Russell J. [1960] Ch. 631; [1960] 2 W.L.R. 916.

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Statute subject to convention—Construction of convention.
Parke Davis & Co. v. Comptroller-General of Patents, Designs and Trade Marks, Divl.Ct. [1953] 2 W.L.R. 760;
C.A. [1953] 2 Q.B. 48; [1953] 3 W.L.R. 40;
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H.L.(E.) [1956] A.C. 736; [1956] 2 W.L.R. 888.
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C.A. [1955] 1 Q.B. 221; [1954] 3 W.L.R. 815.
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Healey v. Minister of Health, Cassels J. [1954] 2 Q.B. 221; [1954] 3 W.L.R. 222.
Francis v. Yiewsley and West Drayton Urban District Council, McNair J. [1957] 2 Q.B. 136; [1957] 2 W.L.R. 627.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

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Kingston Wharves Ltd. v. Reynolds Jamaica Mines Ltd., J.C. [1959] A.C. 187; [1959] 2 W.L.R. 40.

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Reg. v. Welham, C.C.A [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333.
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Jenner v. Allen West & Co. Ltd., C.A. [1959] 1 W.L.R. 554.

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Stephens v. Cuckfield R. D. C., C.A. [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248.

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Uncontemplated taxation—Income Tax Act, 1952, s. 486.
In re **Westminster's Deed of Appointment,** C.A. [1959] Ch. 265; [1959] 2 W.L.R. 299.

" Use " of a motor-vehicle—Road Traffic Act, 1930, s. 35 (1).
Elliott v. Grey, Divl.Ct. [1960] 1 Q.B. 367; [1959] 3 W.L.R. 956.

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Escoigne Properties Ltd. v. Inland Revenue Comrs., Vaisey J. [1956] 1 W.L.R. 980.
C.A. [1957] 1 W.L.R. 174.
H.L.(E.) [1958] A.C. 549; [1958] 2 W.L.R. 336.
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Gluchowska v. Tottenham Borough Council, Divl.Ct. [1954] 1 Q.B. 439; [1954] 2 W.L.R. 302.

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Daly v. Cannon, Divl.Ct. [1954] 1 W.L.R. 261.

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Brown v. Allweather Mechanical Grouting Co. Ltd., Divl.Ct. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402.

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Inland Revenue Comrs. v. Hinchy, H.L.(E.) [1960] 2 A.C. 748; [1960] 2 W.L.R. 448.

Plural. (*See also Singular.*)

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Reg. v. Industrial Disputes Tribunal. *Ex parte* **Queen Mary College, University of London,** Divl.Ct. [1957] 2 Q.B. 483; [1957] 3 W.L.R. 283.

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C.A. [1954] P. 338; [1954] 2 W.L.R. 1075.
H.L.(E.) [1956] A.C. 1; [1955] 3 W.L.R. 203.

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Tithe Redemption Commission v. Runcorn Urban District Council, Danckwerts J. [1953] 3 W.L.R. 845;
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Inland Revenue Comrs. v. Hinchy, H.L.(E.) [1960] 2 A.C. 748; [1960] 2 W.L.R. 448.
Re-enactment of section. (See also Consolidating Act.)
Judicial opinion expressed meanwhile as to meaning—" Children "—Matrimonial Causes Act, 1950, s. 26 (1). **Galloway v. Galloway,** C.A. [1954] P. 312; [1954] 2 W.L.R. 980.
H.L.(E.) [1956] A.C. 299; [1955] 3 W.L.R. 723.
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Same effect attributable to former as to latter section—Summary Jurisdiction (Married Women) Act, 1895, ss. 6, 7. **Marczuk v. Marczuk,** Divl.Ct. [1956] 2 W.L.R. 1;
C.A. [1956] P. 217; [1956] 2 W.L.R. 849.
Repugnancy. See **Repeal.**
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Tax penalty.
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Service of document by post
Meaning of " place of abode " and " person "—Limited company—Landlord and Tenant Act, 1927, s. 23 (1). **Stylo Shoes Ltd. v. Prices Tailors Ltd.,** Wynn-Parry J. [1960] Ch. 396; [1960] 2 W.L.R. 8.
Meaning of " sent "—Interpretation Act, 1889, s. 26.
Regina v. County of London Quarter Sessions Appeals Committee. *Ex parte* **Rossi,** C.A. [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800.
Meaning of " sent " and " served "—Road Traffic Act, 1930, s. 21 (*c*).
Beer v. Davies, Divl.Ct. [1958] 2 Q.B. 187; [1958] 2 W.L.R. 920.
Meaning of " sent by registered post "—Road Traffic Act, 1930, s. 21 (*c*).
Layton v. Shires, Divl.Ct. [1959] 3 W.L.R. 949.
Similar Acts
Similar construction of words—Definition section in one Act only—Meaning of " maintained "—Factories Act, 1937, ss. 22 (1), 25 (1), 152—Mines and Quarries Act, 1954, s. 81 (1).
Hamilton v. National Coal Board, H.L.(E.) [1960] A.C. 633; [1960] 2 W.L.R. 313.
Singular including plural. (See also Plural.)
Agricultural holding—Notice to quit—Joint tenancy—Tenant dying within three months —" Tenant " including tenants—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*g*)—Interpretation Act, 1889, (52 & 53 Vict. c. 63), s. 1.
Woodward v. Earl of Dudley, Danckwerts J. [1954] Ch. 283; [1954] 1 W.L.R. 476.
Subsequent enactments
Deductions from language of later statutes—Presence or absence of particular provision —House of Commons (Clergy Disqualification) Act, 1801, ss. 1, 2, 4.
In re **Macmanaway,** J.C. [1951] A.C. 161.
Earlier and later Acts to be construed "as one "—Rating and Valuation Act, 1925, s. 22 (1) (4)—Rating and Valuation (Apportionment) Act, 1928, ss. 3, 4.
Crowe v. Lloyds British Testing Co. Ltd., C.A. [1960] 1 Q.B. 592; [1960] 2 W.L.R. 227.
Whether relevant in interpreting earlier one.
Attorney-General v. Prince Ernest Augustus of Hanover, H.L.(E.) [1957] A.C. 436; [1957] 2 W.L.R. 1.
Camille and Henry Dreyfus Foundation Inc. v. Inland Revenue Comrs., C.A. [1954] Ch. 673; [1954] 3 W.L.R. 167.
John Walsh Ltd. v. Sheffield Corporation, C.A. [1957] 1 W.L.R. 1074.
Kirkness v. John Hudson & Co. Ltd., Upjohn J. [1953] 1 W.L.R. 749.
C.A. [1954] 1 W.L.R. 40.
H.L.(E.) [1955] A.C. 696; [1955] 2 W.L.R. 1135.
Tautology
Of little weight—Complex revenue statute.
Philipson-Stow v. Inland Revenue Comrs., H.L.(E.) [1960] 3 W.L.R. 1008.
Treaty. (See also International Convention.)
Conflict with. **Inland Revenue Comrs. v. Collco Dealings Ltd.,** Vaisey J. [1959] 1 W.L.R. 995.
Conflict with—Double taxation relief.
Inland Revenue Comrs. v. Collco Dealings Ltd., C.A. [1960] Ch. 592; [1960] 2 W.L.R. 848.

STATUTE—*continued.*

Construction (*Treaty*)—*continued.*

Conflict with—Treaty to be prayed in aid to limit but not extend scope of Act—Extradition treaty. **Reg. v. Governor of Brixton Prison.** *Ex parte* **Caborn-Waterfield,** Divl.Ct. [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792.

Uncertainty

Whether provision void—Provision incorporated in condition of planning permission—Whether condition valid—Housing Act, 1936, s. 115 (2).
Fawcett Properties Ltd. v. Buckingham County Council, C.A. [1959] Ch. 543; [1959] 2 W.L.R. 884.
H.L.(E.) [1960] 3 W.L.R. 831.

Crown *See* CROWN.

Dominion. *See* AUSTRALIA; CANADA; CEYLON.

Extraterritorial effect

Insurance

English company—Policy effected in Haifa—Claim—End of Palestine mandate—Claim transferred to custodian by Iraeli legislation—Whether assured or custodian entitled—Whether legislation operated extraterritorially.
F. & K. Jabbour v. Custodian of Israeli Absentee Property, Pearson J. [1954] 1 W.L.R. 139.

Extraterritorial effect

Tax Act

Effect on resident of Eire.
Inland Revenue Comrs. v. Collco Dealings Ltd., C.A. [1960] Ch. 592; [1960] 2 W.L.R. 848.

Repeal

Implied repeal

Housing Acts. **Critchell v. Lambeth Borough Council,** C.A. [1957] 2 Q.B. 535; [1957] 3 W.L.R. 108.

Indirect repeal

Repeal of other enactments to which it "applies"—Meaning—Right of appeal from Transport Tribunal—Railway and Canal Traffic Act, 1888, s. 17—Railways Act, 1921, s. 26—Transport Act, 1947, sch. X, para. 5—Railway and Canal Commission (Abolition) Act, 1949, s. 8 (2). **British Transport Commission v. London County Council,** C.A. [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665.

Repugnancy. **Sowerby Bridge Urban District Council v. Stott,** C.A. [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1.

Retroactive effect

Appeal

Whether new law applicable—Procedural point or substantive right—Vexatious litigant—New Act extending power of High Court to cover continuing proceedings already instituted by vexatious litigant—Whether Court of Appeal can vary High Court order to accord with new Act—Supreme Court of Judicature (Consolidation) Act, 1925, ss. 27 (1), 51 (1)—Supreme Court of Judicature (Amendment) Act, 1959, s. 1 (1).
In re **Vernazza,** C.A. [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135.

Court of Appeal—Jurisdiction to vary High Court order to accord with new Act.
Attorney-General v. Vernazza, H.L.(E.) [1960] A.C. 965; [1960] 3 W.L.R. 466.

Disqualification order of disciplinary committee

Order based on matters arising prior to Act — Whether Act retrospective — Solicitors (Amendment) Act, 1956. *In re* **A Solicitor's Clerk,** Divl.Ct. [1957] 1 W.L.R. 1219.

Landlord and tenant

Act of 1954—Notice to quit—Validity—Notice given on August 31, 1954, expiring October 4—Act coming into force on October 1—Notice not in prescribed form—Landlord and Tenant Act, 1954, s. 24 (1) (3) (*b*).
Orman Brothers Ld. v. Greenbaum, Devlin J. [1954] 1 W.L.R. 1520.
C.A. [1955] 1 W.L.R. 248.

Marriage

Retroactive foreign law—Religious ceremony invalid by Austrian law—Retroactive Austrian law validating marriage on registration—English domicile acquired meanwhile—Registration of Austrian marriage ceremony—Subsequent English marriage ceremony between one of parties and another person—Child previously born to them—Whether legitimated.
Starkowski v. Att.-Gen., H.L.(E.) [1954] A.C. 155; [1953] 3 W.L.R. 942.

Procedural Act

Act giving right of prescription—Not procedural—Whether retrospective as to end of period of user—Intention of Act—Rights of Way Act, 1932.
Fairey v. Southampton County Council, Divl.Ct. [1956] 2 W.L.R. 517.
C.A. [1956] 2 Q.B. 439; [1956] 3 W.L.R. 354.

Repealing legislation

Pending action—Statute not retroactive—Interpretation and General Clauses Ordinance of Kenya (Laws of Kenya, 1948, c. 1), s. 13 (3).
Noronha v. Devji, J.C. [1954] A.C. 49; [1953] 3 W.L.R. 972.

STATUTE—*continued.*

Retroactive effect—*continued.*

Restrictive practices

Conditions as to resale prices—Restrictive Trade Practices Act, 1956, s. 25 (1).
Dunlop Rubber Co. Ltd. v. Longlife Battery Depôt, Lloyd-Jacob J. [1958] 1 W.L.R. 1033.

Scottish and English Acts. *See* CONFLICT OF LAWS.

STATUTORY DUTY. (*See also* BUILDING (**Safety Regulations**); DOCK (**Regulations**); ELECTRICITY (**Regulations**); FACTORY; MINES AND MINERALS; RAILWAY; STATUTORY POWER.)

Breach; causation. *See* CAUSATION.

Breach; contributory negligence

Breach due to fault of person injured

Crawling boards not used—Fall through roof.
Jenner v. Allen West & Co. Ltd., C.A. [1959] 1 W.L.R. 554.

Delegation of duties to foreman—Injury to foreman—Negligent selection of unsafe ladder by foreman—Technical breach of statutory duty by employers—Liability—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 29 (1) (8).
Johnson v. Croggan & Co. Ld., Pilcher J. [1954] 1 W.L.R. 195.

Delegation of duties to workman—Woodworking machinery—Guard improperly adjusted—Woodworking Machinery Regulations, 1922, regs. 10 (*c*), 21, 23.
Hilton v. F. H. Marshall & Co. Ltd., Harman J. [1951] W.N. 81.

Breach of regulations by employee

Order by foreman to fetch down insecure roof—Failure by miners to obey order—No report by miners to foreman—Resumption of normal work under roof by one miner—Death through fall of roof—Widow's action against employers—Metalliferous Mines General Regulations, 1938 (as amended), regs. 7 (3), 14 (1) (7), 15 (1) (2) (3) (10).
Stapley v. Gypsum Mines Ld., H.L.(E.) [1953] A.C. 663; [1953] 3 W.L.R. 279.

Scaffold—Defective coupler—Breach of regulations by employee—Failure to co-operate in carrying out Part II of building regulations—Employers thereby rendered in breach of regulations—Apportionment—Law Reform (Contributory Negligence), Act, 1945, ss. 1, 4. **Davison v. Apex Scaffolds Ltd.,** C.A. [1956] 1 Q.B. 551; [1956] 2 W.L.R. 636.

Shot-firer—Injury to mine-worker—Breach by shot-firer and mine-worker—Liability of mine-owner at common law for negligence of shot-firer.
National Coal Board v. England, C.A. [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; H.L.(E.) [1954] A.C. 403; [1954] 2 W.L.R. 400.

Negligence of operative

Building—Scaffold—Upright not vertical—Remedial work by plaintiff—Injured by own negligence—Building (Safety, Health and Welfare) Regulations, 1948, reg. 10 (1) (*a*).
Norris v. W. Moss & Sons Ltd., C.A. [1954] 1 W.L.R. 346.

Dangerous machinery—Deliberate act of folly by plaintiff—Personal injury.
Rushton v. Turner Brothers Asbestos Co. Ltd., Ashworth J. [1960] 1 W.L.R. 96.

——— ——— Fencing—Duty to fence securely though rendering machinery unusable—Alleged negligence of operative—Factories Act, 1937, s. 14 (1).
John Summers & Sons Ld. v. Frost, C.A. [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794. H.L.(E.) [1955] A.C. 740; [1955] 2 W.L.R. 825.

——— ——— Duty to guard against acts reasonably foreseeable, including unreasonable behaviour of operatives—Factories Act, 1937, s. 14 (1).
Smith v. Chesterfield and District Co-operative Society Ld., C.A. [1953] 1 W.L.R. 370.

——— ——— Unfenced machinery nine feet above ground—Unauthorised interference by worker—Factories Act, 1937, s. 13 (1).
Hodkinson v. H. Wallwork & Co. Ltd., C.A. [1955] 1 W.L.R. 1195.

——— ——— Unfenced nip between conveyor belt and roller—Employee cleaning machine in motion—Apportionment of liability—Factories Act, 1937, s. 14 (1).
Williams v. Sykes & Harrison Ltd., C.A. [1955] 1 W.L.R. 1180.

Opening in floor—Duty to fence—Foundry with sand bed—Unfenced hole in sand—Injury to workman through walking backwards into hole—Principles applicable—Factories Act, 1937, s. 25 (3). **Harrison v. Metropolitan-Vickers Electrical Co. Ld.,** C.A. [1954] 1 W.L.R. 324.

Civil right, whether created.

Accident one against which legislation designed to protect

Employee struck in eye by particle of wire ejected from machine—Dangerous machinery not securely fenced in compliance with Factories Act, 1937.
Kilgollan v. William Cooke & Co. Ltd., C.A. [1956] 1 W.L.R. 527.

Roof of mine to be made secure—Fall of roof—Travelling road obstructed—Bogie derailed—Injury to mineworker—Liability of mineowners—Coal Mines Act, 1911, s. 49.
Grant v. National Coal Board, H.L.(Sc.) [1956] A.C. 649; [1956] 2 W.L.R. 752.

By-laws

Enforceable by penalty—No cause of action to member of public.
Newman v. Francis, Hilbery J. [1953] 1 W.L.R. 402.

STATUTORY DUTY—*continued.*

Civil right, whether created—*continued.*

False trade description

Whether breach of duty owed to rival trader—Merchandise Marks Act, 1887, ss. 2, 3, 19 (as amended by Merchandise Marks Act, 1953, ss. 1, 4).
J. Bollinger v. Costa Brava Wine Co. Ltd., Danckwerts J. [1960] Ch. 262; [1959] 3 W.L.R. 966.

Local authority

Duty to maintain drain—Inclosure Acts.
Attorney-General v. St. Ives R. D. C., Salmon J. [1960] 1 Q.B. 312; [1959] 3 W.L.R. 575.

Provision of efficient education—Duty of local education authority to "have regard to the general principle" to educate in accordance with the wishes of parents—Extent of local education authority's duty—Not for benefit of parents—No cause of action by parent—Education Act, 1944, ss. 68, 76, 99 (1).
Watt v. Kesteven County Council, Ormerod J. [1954] 3 W.L.R. 729. C.A. [1955] 1 Q.B. 408; [1955] 2 W.L.R. 499.

Overcharge

Gaming and wagering—Dog-racing track—Charge for admission—Bookmaker overcharged—Action to recover overcharge—Competency—Betting and Lotteries Act, 1934, s. 13 (1) (2). **Green v. Portsmouth Stadium Ld.,** Parker J. [1953] 1 W.L.R. 487; C.A. [1953] 1 Q.B. 190; [1953] 2 W.L.R. 1206.

Statute for benefit of particular class

Breach of statutory duty under London Building Acts (Amendment) Act, 1939—Statute imposing penalty for breach—Statute for benefit of particular class of persons—Whether person injured by breach has right of action.
Solomons v. R. Gertzenstein Ld., [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823; C.A. [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317.

Common law duty, if superseded. (*See also* FACTORY).

Shot-firer

Injury to mine-worker—Breach by shot-firer and mine-worker—Liability of mine-owner at common law for negligence of shot-firer.
National Coal Board v. England, C.A. [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; H.L.(E.) [1954] A.C. 403; [1954] 2 W.L.R. 400.

STATUTORY INSTRUMENT

Minister's power to make regulations

Whether mandatory

Agricultural Holdings Act, 1948, ss. 24, 26—Agriculture (Control of Notices to Quit) Regulations, 1948, reg. 4. **Jones v. Gates,** C.A. [1954] 1 W.L.R. 222.

Notice to public

Certificate

Sale of goods in excess of Schedule—Absence of certificate exempting from printing—No steps taken to bring instrument to notice of public—Conviction quashed—Statutory Instruments Act, 1946, s. 3 (2)—Statutory Instruments Regulations, 1947, reg. 7.
Simmonds v. Newell. Defiant Cycle Co. Ld. v. Same. Macnay v. Same, Divl.Ct. [1953] 1 W.L.R. 826.

———————— Validity—Statutory Instruments Act, 1946, ss. 2, 3—Statutory Instruments Regulations, 1947, reg. 7. **Regina v. Sheer Metalcraft Ld.,** Streatfeild J. [1954] 1 Q.B. 586; [1954] 2 W.L.R. 777.

Validity

Time of making

Rules made between passing of enabling Act and its coming into force—Rules made applicable on day after Act came into force—Whether "necessary or expedient for the "purpose of bringing" the Act "into operation"—Interpretation Act, 1889 (52 & 53 Vict. c. 63), ss. 36 (1), 37—Registered Designs Act, 1949, ss. 1 (4), 36—Designs Rules, 1949, r. 26. **Usher v. Barlow,** C.A. [1952] Ch. 255; [1952] 1 T.L.R. 239; [1952] 1 All E.R. 205.

Whether ultra vires

Bankruptcy Rules—Creditors' resolution that debtor be not adjudged bankrupt—Application by official receiver for adjudication—Jurisdiction of court—Enactment that rules "in force . . . continue in force . . . and . . . have effect as if made under this Act"—Subsequent new rule in identical terms—Bankruptcy Act, 1914, ss. 18 (1), 132, 168 (3)—Bankruptcy Rules, 1952, r. 219.
In re **Fletcher, A Debtor.** *Ex parte* **Fletcher v. Official Receiver,** C.A. [1956] Ch. 28; [1955] 3 W.L.R. 172.

Protection of eyes—Power to make regulations as to processes involving specified risks—Processes specified in regulations—Whether facts open to review—Protection of Eyes Regulations, 1938, Sch. **Rees v. Bernard Hastie & Co. Ld.,** C.A. [1953] 1 Q.B. 328; [1953] 2 W.L.R. 288.

STATUTORY POWER
Exercise
Demand ultra vires
Good in part—Whether severable. **Potato Marketing Board v. Merricks,** Devlin J. [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135.

Mala fides
Onus of proof. **Potato Marketing Board v. Merricks,** Devlin J. [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135.

STATUTORY TRIBUNAL
See TRIBUNAL.

STRAITS SETTLEMENTS
Judge
Tenure of office
Right of Crown to dismiss at pleasure. **Terrell v. Secretary of State for the Colonies,** Lord Goddard C.J. [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331.

STREET
See HIGHWAY; ROAD TRAFFIC.

STREET OFFENCES. *See* VAGRANCY.

STREET TRADING
Metropolis
Photographer
Street photographer without licence—Agreement to sell photograph—Deposit paid, purchase price payable subsequently on delivery of photograph—Whether "offering for "sale" of article—London County Council (General Powers) Act, 1947, ss. 15 (1), 17 (2), 29 (1) (*a*).
Newman v. Lipman, Divl.Ct. [1951] 1 K.B. 333; [1951] 1 T.L.R. 190.

Registration
Registration of street trader by borough council—Cancellation of registration—Appeal by trader to magistrate—Reversal of cancellation—Whether a borough council a "person aggrieved" by magistrate's order—No right of appeal to quarter sessions—London County Council (General Powers) Act, 1947, ss. 25, 64.
Rex v. London Quarter Sessions; *Ex parte* **Westminster Corporation,** Divl.Ct. [1951] 2 K.B. 508; [1951] 1 T.L.R. 932; [1951] 1 All E.R. 1032.

Photographer. (*See also* **Metropolis.**)
By-law
Taking photographs of persons in a street—Cards handed to persons photographed giving address at which they might call and purchase photographs—"Offering for sale"—Glasgow Corporation Act, 1946, s. 5—Glasgow by-laws for regulating street trading, 1947, Nos. 1 and 2.
MacIver v. Robertson, Ct.Jus. [1951] 1 K.B. 338n.; [1951] 1 T.L.R. 192.

SUNDAY
Observance
Agreement
"Tradesman"—Estate agent—Agreement signed on Sunday—Whether estate agent a "tradesman"—Sunday Observance Act, 1677, s. 1.
Gregory v. Fearn, C.A. [1953] 1 W.L.R. 974.

"Place"
Public park used for public entertainment on Sunday—Motor-cycle scramble held in roped-off enclosure in extensive public park—Admission of public to enclosure on payment of money—"House, room, or other place"—Disorderly house—Disorderly place—Act aimed at public entertainment for money on Sunday—Public park a "place" within meaning of Act—Sunday Observance Act, 1780, s. 1—Common Informers Act, 1951, s. 1 (3).
Culley v. Harrison, Divl.Ct. [1956] 2 Q.B. 71; [1956] 3 W.L.R. 21.

Search warrant
Issue of warrant to search club premises—Execution on Sunday—Whether lawfully executed—Sunday Observance Act, 1677, s. 6—Magistrates' Courts Act, 1952, s. 102 (3)—Licensing Act, 1953, s. 152 (1). **Magee v. Morris,** Divl.Ct. [1954] 1 W.L.R. 806.

Shop. See SHOP.

Theatre
Sunday performance—Sketches with musical accompaniment—Whether "musical entertainment"—Sunday Entertainments Act, 1932, ss. 3, 5.
Barnes v. Jarvis, Divl.Ct. [1953] 1 W.L.R. 649.

SURVEYOR. *See* DAMAGES (**Negligence**).

TAIL
See ENTAILED INTEREST.

TAXATION
See COSTS; LEGAL AID; REVENUE.

TENANT FOR LIFE
See Settled Land; Settlement.

TENANTS IN COMMON. (*See also* Joint Interest.)
Goods
Bailment
Right of one tenant to demand all—Consignees under bills of lading—Mixed cargo.
Gill & Duffus (Liverpool) Ld. v. Scruttons Ld., Glyn-Jones J. [1953] 1 W.L.R. 1407.
Partition
Fiji
" Decree for partition "—Right to order for sale—Partition Act, 1868, ss. 3, 4.
Patel v. Premabhai, J.C. [1954] A.C. 35; [1953] 3 W.L.R. 836.
Realty
Dwelling-house
Joint purchase by mother and son and residence—Unequal shares—Conveyance in name of son—Legal ownership—Claim by son to eject mother—Equitable tenants in common —Rights of—Law of Property Act, 1925, ss. 1 (6), 14, 26 (3), 30, 35—Settled Land Act, 1925, s. 36 (4)—Trustee Act, 1925, s. 14.
Bull v. Bull, C.A. [1955] 1 Q.B. 234; [1955] 2 W.L.R. 78.
Will
Gift to two persons contingent on weekly payments in equal shares—Whether tenants in common. *In re* **North, decd.,** Wynn-Parry J. [1952] Ch. 397; [1952] 1 T.L.R. 674; [1952] 1 All E.R. 609.
Sale of land
Memorandum in writing
Contract to sell undivided share in land—Contract between legal joint tenants—Whether memorandum in writing required—" Interest in land "—Meaning—Law of Property Act, 1925, ss. 40 (1), 205 (1) (ix) (x).
Cooper v. Critchley, C.A. [1955] Ch. 431; [1955] 2 W.L.R. 510.

TENDER. *See* Practice (**Payment in**).

THEATRE. (*See also* Sunday (**Observance**).)
Licence
Rules
Condition prohibiting the sale of liquor and tobacco in theatre—Theatre continuously licensed for sale of liquor and tobacco—Application for renewal of licence on same terms as before—Proximity of licensed premises to theatre—Whether distinction between application for renewal and application for grant of licence for first time —Proximity of licensed premises a factor to be taken into account—" Rules for ensuring order and decency "—Prohibition of sale of tobacco—Theatres Act, 1843, ss. 5, 9.
Regina v. Flintshire County Council County Licensing (Stage Plays) Committee. *Ex parte* **Barrett,** Divl.Ct. [1956] 1 W.L.R. 1415. C.A. [1957] 1 Q.B. 350; [1957] 2 W.L.R. 90.
Play licensed for presentation
Unauthorized addition
Stage directions included in licensed script—Instructions by licensee that script to be adhered to—Performance by actor substantial departure from script—Whether licensee " caused to be presented " unlicensed part—Theatres Act, 1843, s. 15.
Lovelace v. Director of Public Prosecutions, Divl.Ct. [1954] 1 W.L.R. 1468.

TIME, COMPUTATION OF
Demurrage. *See* Shipping (**Charterparty**).

Greenwich or local time. *See* Statute (**Commencement**).

Road Traffic
Notice of intended prosecution
Notice sent by registered post—Offence committed 7.15 a.m. on January 11—Notice received 8 a.m. on January 25—Whether service within 14 days of the commission of " the offence "—Calculation of 14 days—Whether date of offence to be excluded—Road Traffic Act, 1930, ss. 12, 21.
Stewart v. Chapman, Divl.Ct. [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; [1951] 2 All E.R. 613.
Notice to quit
Computation of period
Premises let as a dwelling—Four weeks' notice given on Friday, May 15, to expire on Friday, June 12—" Not less than four weeks "—Whether four clear weeks required—Whether notice valid—Rent Act, 1957, s. 16.
Thompson v. Stimpson, Divl.Ct. [1961] 1 Q.B. 195; [1960] 3 W.L.R. 818.

TIPS
See Catering Wages.

TITHE

Corn rents

Rents payable based on " average price " of wheat

Deficiency payments—No relation between amount of payment and value of wheat sold—Whether " price " includes deficiency payments—Inclosure Act, 1801 (Scremby)—Cereals (Deficiency Payments) Order, 1955, regs. 3, 4.
In re **Scremby Corn Rents,** Divl.Ct. [1960] 1 W.L.R. 648.
C.A. [1960] 1 W.L.R. 1227.

Tithe redemption annuity

Chargeability

" Estate owner "—Highway authority—Tithe Act, 1936, ss. 10, 17 (1) (3)—Law of Property Act, 1925, ss. 7 (1), 205 (1) (v) (ix).
Tithe Redemption Commission v. Runcorn Urban District Council,
Danckwerts J. [1953] 3 W.L.R. 845.
C.A. [1954] Ch. 383; [1954] 2 W.L.R. 515.

TOLL. *See* BRIDGE; MANORIAL RIGHTS.

TORT

New tort. (*See also under various heads of tort.*)

Unlawful trade competition

Deliberate damage to property of another—Development of passing off.
J. Bollinger v. Costa Brava Wine Co. Ltd., Danckwerts J. [1960] Ch. 262;
[1959] 3 W.L.R. 966.

TOWAGE

See SHIPPING.

TOWN PLANNING. (*See also* COMPULSORY PURCHASE.)

Advertisements, control of

Town planning scheme under Act of 1932

Advertisement hoardings erected within area protected by scheme—Repeal of Act of 1932 by Act of 1947—Town and Country Planning Act, 1932, s. 47—Town and Country Planning Act, 1947, s. 31 and Sch. X—Town and Country Planning (Control of Advertisements) Regulations, 1948.
Dominant Sites Ltd. v. Hendon Borough Council, Divl.Ct. [1952] W.N. 516;
[1952] 2 T.L.R. 914; [1952] 2 All E.R. 899.

Compensation

Capital or income

" Unexpended balance of established development value "—Part of residuary estate consisting of land purchased by county council—Whether attributable to capital or income of estate—Town and Country Planning Act, 1954, s. 17.
In re **Hasluck, decd.,** Wynn-Parry J. [1957] 1 W.L.R. 1135.

Land held on trust for sale

Compensation not to be treated as proceeds of sale arising under trust for sale—Law of Property Act, 1925, s. 28 (*i*)—Settled Land Act, 1925, s. 58 (1)—Town and Country Planning Act, 1954, s. 66 (*i*)—Town and Country Planning (Mortgages, Rentcharges, etc., etc.) Regulations, 1955, reg. 10.
In re **Meux, decd.,** Wynn-Parry J. [1958] Ch. 154; [1957] 3 W.L.R. 377.

Development charge, exemption

Charity

Land held by company controlling school for girls—Company entitled to make profits and to declare dividends—Share capital held by educational trust—Profits and assets of company not to be applied otherwise than for the promotion of the work and efficiency of the school or for the advancement of the education of girls—Whether lands held on charitable trust or for charitable purposes—Town and Country Planning Act, 1947, s. 85 (1) (2).
Abbey Malvern Wells Ltd. v. Ministry of Local Government and Planning,
Danckwerts J. [1951] Ch. 728; [1951] 1 T.L.R. 1050; [1951] 2 All E.R. 154.

Land held by trustees for " promotion of industry, commerce and art "—Charitable purposes—Crystal Palace Act, 1914, s. 14—Town and Country Planning Act, 1947, s. 85.
Crystal Palace Trustees v. Minister of Town and Country Planning,
Danckwerts J. [1951] Ch. 132.

Land held on charitable trusts—Public school—Company owning lands and buildings paying limited dividends—Town and Country Planning Act, 1947, s. 85 (1) (2).
In re **Girls' Public Day School Trust Ltd.,** Roxburgh J. [1951] Ch. 400.

Development, meaning

Building operation

Model village and railway—Alleged contravention of previous planning control—Whether work carried out prior to planning control—Whether model houses constituted " buildings "—Meaning—Town and Country Planning Act, 1932, s. 53—Town and Country Planning Act, 1947, s. 75 (9).
Buckingham County Council v. Callingham, Divl.Ct. [1951] W.N. 522;
[1951] 2 All E.R. 822.
C.A. [1952] 2 Q.B. 515; [1952] 1 All E.R. 1166.

TOWN PLANNING—*continued.*

Development, meaning—*continued.*

Material change of use

Business premises—Basement used by horticulturists on appointed day for storing and grading bulbs for retail sale and for making and repairing boxes and seed trays—Class of use—Whether "shop," "repository" or "light industrial building"—Subsequently used by printers' engineers for repairing and reconditioning type—Installation of machinery—Whether material change in use—Town and Country Planning Act, 1947, s. 12 (1) (2) (*f*)—Town and Country Planning (Use Classes) Order, 1950, art. 2 (2) and Sch. **Horwitz v. Rowson,** Havers J. [1960] 1 W.L.R. 803.

Increase of user—Enforcement notice—Pre-Act user of land as caravan site—Number of caravans increased—Whether a material change of user—Fact or law—Town and Country Planning Act, 1947, s. 12.
Guildford Rural District Council v. Fortescue, C.A. [1959] 2 Q.B. 112; [1959] 2 W.L.R. 643.

Licensed premises—Premises destroyed by war damage—Licence in suspense—Existing use—Change of use—Whether use as shop a material change requiring planning permission—Town and Country Planning Act, 1947, ss. 12, 61, Sch. III—Town and Country Planning (Use Classes for Third Schedule Purposes) Order, 1948—Town and Country Planning (Use Classes) Order, 1948.
Central Land Board v. Saxone Shoe Co. Ltd., C.A. [1956] 1 Q.B. 288; [1955] 3 W.L.R. 614.

Pre-Act use of land for manufacture and display for sale of portable buildings and garden furniture—Subsequent use of land for display for sale of caravans—Whether cesser of manufacture and change in type of goods sold material change of use—Use of hut on land for retail sales—Whether hut and land a shop—Town and Country Planning (Use Classes) Order, 1950, arts. 2, 3, Sch.
Marshall v. Nottingham Corpn., Glyn-Jones J. [1960] 1 W.L.R. 707.

Resumption of former user of land after non-user—Justices finding that resumption not a material change of user—Town and Country Planning Act, 1947, ss. 12, 23.
Fyson v. Buckinghamshire County Council, Divl.Ct. [1958] 1 W.L.R. 634.

Development value

Evidence

Particulars of agreed assessments of comparable land in same area—Admissibility—Town and Country Planning Act, 1947, Part VI—Lands Tribunal Rules, 1949, r. 31 (4) (ii).
Stockbridge Mill Co. Ltd. v. Central Land Board, C.A. [1954] 1 W.L.R. 886.

Requisitioned land

Land in requisition on appointed day—Method of calculating development value—"State "in which" land "was immediately before beginning of the period of requisition"—Meaning—Town and Country Planning Act, 1947, ss. 58 (1), 61 (5), 89.
Routh's Trustees v. Central Land Board, C.A. [1960] 1 W.L.R. 737.

Whole, to be viewed as

Land acquired for building purposes—High cost of making part of land suitable for building exceeding value of the whole—Whether development charge payable—Town and Country Planning Act, 1947, ss. 69, 70 (2)—Town and Country Planning (Development Charge) Regulations, 1948, Sch.
London County Council v. Central Land Board, Danckwerts J. [1958] 2 W.L.R. 807. C.A. [1959] Ch. 386; [1958] 1 W.L.R. 1296.

Development, whether authorised. (*See also* **Enforcement notice; Planning permission.**)

Before appointed day

Development begun before appointed day—Permission to erect buildings granted in 1938—Permission conditional on completion of work within 18 months—No reason given for condition—Validity of condition—Site cleared but rebuilding not begun before July 1, 1948—Whether fresh planning permission required—Meaning of "works"—Town and Country Planning Act, 1932, s. 10 (3)—Town and Country Planning Act, 1947, s. 78 (1).
London County Council v. Marks & Spencer Ltd., Harman J. [1951] W.N. 624; [1951] 2 T.L.R. 1139; [1951] 2 All E.R. 1025.
C.A. [1952] Ch. 549; [1952] 1 T.L.R. 1276; [1952] 1 All E.R. 1150.
H.L.(E.) [1953] A.C. 535; [1953] 2 W.L.R. 932.

Planning scheme under Act of 1932—Agreement to development—Necessity for permission under Act of 1947—Development charge—Town and Country Planning Act, 1932—Town and Country Planning Act, 1947, s. 12, Sch. X, para. 10—Town and Country Planning (Transfer of Property and Officers and Compensation to Officers) Regulations, 1948. *In re* **Thackray's Agreement,** Danckwerts J. [1952] W.N. 285; [1952] 1 All E.R. 1374.

Enforcement notice. (*See also* **Development, whether authorised.**)

Appeal to quarter sessions

Notice quashed by court of summary jurisdiction—Order for costs against local planning authority—Whether local planning authority entitled to appeal to quarter sessions against decision—Whether "peson aggrieved"—Town and Country Planning Act, 1947, s. 23 (5). **Reg. v. Dorset Quarter Sessions Appeals Committee.** *Ex parte* **Weymouth Corpn.,** Divl.Ct. [1960] 2 Q.B. 230; [1960] 3 W.L.R. 66.

TOWN PLANNING—*continued.*

Enforcement notice (*Appeal to quarter sessions*)—*continued.*

Notice quashed by court of summary jurisdiction—Whether local planning authority entitled to appeal to quarter sessions against decision—Whether "person aggrieved"—Town and Country Planning Act, 1947, s. 23 (5).
Ealing Corporation v. Jones, Divl.Ct. [1959] 1 Q.B. 384; [1959] 2 W.L.R. 194.

Failure to appeal to justices: whether res judicata

High Court—Notice alleging development without permission—Permission for limited period granted by Minister—Effect of owner's failure to appeal to justices—Whether barred from questioning notice in High Court—Town and Country Planning Act, 1947, ss. 23 (2) (4), 24 (1) (3).
Francis v. Yiewsley and West Drayton Urban District Council,
McNair J. [1957] 2 Q.B. 136; [1957] 2 W.L.R. 627.
C.A. [1958] 1 Q.B. 478; [1957] 3 W.L.R. 919.

Form

Date of operation not stated—Information alleging contravention of notice in December, 1952, and January 12, 1953—Duplicity—Town and Country Planning Act, 1947, s. 23 (2) (3)—Town and Country Planning Development Order, 1950, art. 3 (1), Sch. I, Class IV, 2.
Godstone Rural District Council v. Brazil, Divl.Ct. [1953] 1 W.L.R. 1102.

—————— Town and Country Planning Act, 1947, s. 23 (2) (3).
Mead v. Chelmsford R. D. C., Divl.Ct. [1953] 1 Q.B. 32; [1952] 2 T.L.R. 700; [1952] 2 All E.R. 723.
Burgess v. Jarvis, C.A. [1952] 2 Q.B. 41; [1952] 1 T.L.R. 580; [1952] 1 All E.R. 592.

Development before appointed day—Notice not specifying breaches of previous planning control—Town and Country Planning Act, 1947, ss. 23, 24, 75.
East Riding County Council v. Park Estate (Bridlington) Ltd.,
C.A. [1955] 2 Q.B. 623; [1955] 2 W.L.R. 1021.
H.L.(E.) [1957] A.C. 223; [1956] 3 W.L.R. 312.
Lincolnshire (Parts of Lindsey) County Council v. Wallace Holiday Camp Ltd.,
Divl.Ct. [1953] 2 Q.B. 178; [1953] 2 W.L.R. 1088.

Under wrong section—Determination under Building Restrictions (War-Time Contraventions) Act, 1946—Use deemed to comply with planning control until 1949—Subsequent unpermitted user—Building Restrictions (War-Time Contraventions) Act, 1946, s. 2—Town and Country Planning Act, 1947, ss. 23, 75, 76—Notice served under s. 75 instead of s. 76. **D'Alessio v. Enfield Urban District Council,** Divl.Ct. [1951] W.N. 503; [1951] 2 T.L.R. 859; [1951] 2 All E.R. 754.

Justices' jurisdiction. (*See also Failure to appeal to.*)

Question whether development occurred—Town and Country Planning Act, 1947, ss. 12, 23 (2) (4). **Eastbourne Corporation v. Fortes Ice Cream Parlour (1955) Ltd.,**
Divl.Ct. [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886.
C.A. [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630.
Keats v. London County Council, Divl.Ct. [1954] 1 W.L.R. 1357.

Question whether permission to develop necessary—Whether appellants estopped from contending that there has been no development by reason of prior application for and grant of planning permission—Town and Country Planning Act, 1947, s. 23 (4) (*a*).
Mounsdon v. Weymouth and Melcombe Borough Council, Divl.Ct. [1960] 1 Q.B. 645; [1960] 2 W.L.R. 484.

Question whether user changed.
Fyson v. Buckinghamshire County Council, Divl.Ct. [1958] 1 W.L.R. 634.

Minister, appeal to

Form of notice defective—Invalidity—Appeal against notice to Minister on other grounds—Whether approbated—Estoppel—Town and Country Planning Act, 1947, ss. 23 (1) (2) (3) (4), 75 (5).
Swallow and Pearson v. Middlesex County Council, Parker J. [1953] 1 W.L.R. 422.

Originating summons

Originating summons for declaration that notice invalid—Whether correct procedure—Town and Country Planning Act, 1947, s. 23—R.S.C., Ord. 54A, rr. 1, 1A.
Rigden v. Whitstable Urban District Council, Danckwerts J. [1959] Ch. 422; [1958] 3 W.L.R. 205.

Prosecution for non-compliance

Notice invalid as not stating date on which it comes into effect—Town and Country Planning Act, 1947, s. 23 (3).
Mead v. Chelmsford R. D. C., Divl.Ct. [1953] 1 Q.B. 32; [1952] 2 T.L.R. 700; [1952] 2 All E.R. 723.

Power of justices to inquire into validity of notice—Town and Country Planning Act, 1947, ss. 23 and 24. **Perrins v. Perrins,** Divl.Ct. [1951] 2 K.B. 414; [1951] 1 T.L.R. 945; [1951] 1 All E.R. 1075.

Whether evidence admissible to prove development had not taken place—Town and Country Planning Act, 1947, ss. 23, 24.
Norris v. Edmonton Corporation, Divl.Ct. [1957] 2 Q.B. 564; [1957] 3 W.L.R. 388.

Time of service

Notice served on occupier while appeal to Minister pending—Town and Country Planning Act, 1947 (as amended), ss. 16, 23. **Davis v. Miller,** Divl.Ct. [1956] 1 W.L.R. 1013.

TOWN PLANNING—*continued.*

Illegality of contract

Agreement to let premises for user requiring planning permission

Undertaking by proposed tenant to apply for permission—Permission refused—Whether agreement to let illegal—Town and Country Planning Act, 1947, ss. 12 (1), 23 (1), 24 (3). **Best v. Glenville,** C.A. [1960] 1 W.L.R. 1198.

Injunction

Non-compliance with Act

Development without permission—Whether lawful—Relator action—Injunction—Caravan site—Retrospective application for permission refused—Appeal to Minister—Removal of caravans to another site after dismissal of appeal—Repeated applications for permission and appeals in respect of other sites—Whether development without permission unlawful—Town and Country Planning Act, 1947, ss. 12 (1), 18, 23.
Attorney-General v. Smith, Lord Goddard C.J. [1958] 2 Q.B. 173; [1958] 3 W.L.R. 81.

Repeated offences under Town and Country Planning Act, 1947, s. 24 (3)—Infringement of public right—Relator action by Attorney-General—Remedy by way of injunction—Jurisdiction—Town and Country Planning Act, 1947, ss. 23, 24 (3).
Attorney-General v. Bastow, Devlin J. [1957] 1 Q.B. 514; [1957] 2 W.L.R. 340.

Maintenance of waste land

"*Garden, vacant site or other open land*"

Car breaker's yard in curtilage of building—Town and Country Planning Act, 1947, s. 33 (1).
Stephens v. Cuckfield Rural District Council, Lord Parker C.J. [1959] 1 Q.B. 516; [1959] 2 W.L.R. 480.
C.A. [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248.

Planning permission. (*See also* **Development; Enforcement notice.**)

Appeal to High Court against

Permission granted by Minister—Application by adjacent landowner to set aside decision of Minister—Whether "person aggrieved"—Town and Country Planning Act, 1959, s. 31 (1). **Buxton v. Minister of Housing and Local Government,** Salmon J. [1961] 1 Q.B. 278; [1960] 3 W.L.R. 866.

Conditions of planning permission

Discontinuance of user—Permission to use field as site for circus—Conditional on use ceasing on September 7, 1952—User in 1952 ceasing on September 7—Similar use in subsequent years—Whether use subsequent to 1952 breach of condition—Whether use discontinued on September 7, 1952—Town and Country Planning Act, 1947, c. 51, ss. 12 (5) (*b*), 13 (1), 23 (1) (4)—Town and Country Planning General Development Order, 1950, art. 3 (1), Sched. 1, class 4 (2).
Postill v. East Riding County Council, Divl.Ct. [1956] 2 Q.B. 386; [1956] 3 W.L.R. 334.

Uncertainty—Relation of conditions to local planning considerations—Whether conditions void for uncertainty—Town and Country Planning Act, 1947, ss. 14 (1), 36.
Fawcett Properties Ltd. v. Buckingham County Council, Roxburgh J. [1959] Ch. 543; [1958] 1 W.L.R. 1161.
C.A. [1959] 2 W.L.R. 884.
H.L.(E.) [1960] 3 W.L.R. 831.

Validity—Whether challengeable by declaration or certiorari.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

Declaration by High Court

Refusal of planning permission by Minister—Permission subject to conditions—Whether permission necessary—Jurisdiction of High Court—Whether conditions valid—Declaration or certiorari—Town and Country Planning Act, 1947, s. 17.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

Whether permission necessary—Whether failure to appeal to justices against enforcement order bar to declaration.
Francis v. Yiewsley and West Drayton Urban District Council, McNair J. [1957] 2 Q.B. 136; [1957] 2 W.L.R. 627.
C.A. [1958] 1 Q.B. 478; [1957] 3 W.L.R. 919.

General planning permission

"Authorised by Act"—Private Act enacting that heads of agreement between parties "are hereby confirmed and made binding" on parties—Whether provisions binding as a contract or as a statute—Whether permission required—Quarrying—Permission granted subject to conditions imposed by Minister—Whether conditions related to permitted development valid without provision for compensation—Malvern Hills Act, 1924, s. 54, Sch. 4—Town and Country Planning Act, 1947, ss. 14, 15, 17, 26, 27—Town and Country Planning General Development Order, 1950, arts. 3 (1), 4 (1), Sch. I, Class 12.
Pyx Granite Co. Ltd. v. Ministry of Housing and Local Government, C.A. [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371.
H.L.(E.) [1960] A.C. 260; [1959] 3 W.L.R. 346.

TOWN PLANNING—*continued.*

Planning permission (*General planning permission*)—*continued.*

Development carried out before permission withdrawn—Notice to discontinue use of land as caravan site—Previously golf course—Permitted development—Invalidity of notice—Town and Country Planning General Development Order, 1950, arts. 3, 4, Sch. I, Class V.

Cole v. Somerset County Council, Divl.Ct. [1957] 1 Q.B. 23; [1956] 3 W.L.R. 814.

Whether permission under Order of 1950, permission under Part III of Act of 1947—Whether enforcement notice valid—Town and Country Planning General Development Order, 1950, art. 3 (1), Sch. I, class IV, 2—Town and Country Planning Act, 1947, ss. 12, 13 (1), 23 (1).

Cater v. Essex County Council, Divl.Ct. [1960] 1 Q.B. 424; [1959] 2 W.L.R. 739.

Outline permission—Application for permission to build cottage on "part of approximately 40 acres" of farm—Application accompanied by plan showing site of cottage—Outline permission subject to approval of "matters reserved"—Further application for permission to build cottage and garage—Site of cottage 400 yards from site on original plan—Different means of access—Whether new application—Town and Country Planning Act, 1947, s. 16 (3)—Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950, reg. 5 (1), (2), (9) (*a*).

Hamilton v. West Sussex County Council, Donovan J. [1958] 2 Q.B. 286; [1958] 2 W.L.R. 873.

Purchase notice by owner

Minister's permission for other development

Limitation on Minister's power to direct development other than that for which permission refused—Undeveloped site—Permission to develop as shops with residential accommodation over refused—Permission granted for development as residential accommodation—Whether Minister's order valid—Town and Country Planning Act, 1947, s. 19 (2), proviso (*b*), (2A); Sch. III—Town and Country Planning Act, 1954, s. 70.

Reg. v. Minister of Housing and Local Government. *Ex parte* **Rank Organization Ltd.,** Divl.Ct. [1958] 1 W.L.R. 1093.

Minister's reasons for confirming notice

Whether fact that land of less use to owner than if developed proper test—Town and Country Planning Act, 1947, s. 19 (1) (2).

Reg. v. Minister of Housing and Local Government. *Ex parte* **Chichester R.D.C.,** Divl.Ct. [1960] 1 W.L.R. 587.

Refusal of permission to develop

Land let at less than rack-rent—"Owner" of land—Whether freehold owner—Rack-rent—Derelict and sterilized site—Town and Country Planning Act, 1947, ss. 19 (1), 119 (1).

Reg. v. Min. of Housing and Local Government. Ex p. London Corpn.,
Divl.Ct. [1953] 2 Q.B. 83; [1953] 2 W.L.R. 1083;
C.A. [1954] 1 Q.B. 140; [1954] 2 W.L.R. 103.
Sub nom. **London Corporation v. Cusack-Smith,**
H.L.(E.) [1955] A.C. 337; [1955] 2 W.L.R. 363.

Minister's notice of intention to confirm without modification—Purported confirmation with modification by substituting local planning authority as purchaser without notice—Ultra vires—Town and Country Planning Act, 1947, s. 19.

Ealing Borough Council v. Minister of Housing and Local Government, Upjohn J. [1952] Ch. 856; [1952] 2 T.L.R. 490; [1952] 2 All E.R. 639.

Statutory undertaker

"*Operational land*"

Land owned by statutory undertaking for the purpose of their undertaking—Not yet used for such purpose—Whether "operational land"—Town and Country Planning Act, 1947, s. 119 (1).

Reg. v. Minister of Fuel and Power. *Ex parte* **Warwickshire County Council,** Divl.Ct. [1957] 1 W.L.R. 861.

TRADE

See RESTRAINT OF TRADE; REVENUE (**Income tax**); WORDS AND PHRASES.

TRADE DISPUTE. (*See also* CATERING WAGES; DOCK (**Dock Workers**); TRIBUNAL (**Statutory**).)

Act in furtherance of

Conspiracy

Predominant object—Preventing member of union from obtaining employment—Internecine quarrel between members of union—Whether trade dispute—Trade Disputes Act, 1906, s. 3. **Huntley v. Thornton,** Harman J. [1957] 1 W.L.R. 321.

———————— Use of unlawful means.

Byrne v. Kinematograph Renters Society Ltd., Harman J. [1958] 1 W.L.R. 762.

Lawful dismissal of workman

Whether subject of trade dispute—Meaning of "trade dispute"—Meaning of "workmen"—Shop assistant—Meaning of "labourer"—Trade Unions Act, 1939 (Leeward Islands, No. 16 of 1939), s. 2.

Bird v. O'Neal, J.C. [1960] A.C. 907; [1960] 3 W.L.R. 584.

Procuring breach of contract

Trade Disputes Act, 1906, s. 3. **D. C. Thomson & Co. v. Deakin,** Upjohn J. and C.A. [1952] Ch. 646; [1952] 1 T.L.R. 1397; [1952] 2 T.L.R. 105; [1952] 2 All E.R. 361.

TRADE DISPUTE—*continued.*

Definition

" Difference "

Trade union acting for employees of company—Claim for bargaining status—Refusal of company to recognise union—" Difference " between union and company—Governor's statutory duty to " inquire " into causes of dispute before appointing board of inquiry—Administrative, not judicial or quasi-judicial inquiry—Trade Disputes (Arbitration and Inquiry) Ordinance, 1950 (c. 22, No. 10), ss. 2 (1), 8 (1), of Trinidad and Tobago—Industrial Courts Act, 1919, s. 4 (1)—Trade Disputes Act, 1906, s. 5.
Beetham v. Trinidad Cement Ltd., J.C. [1960] A.C. 132; [1960] 2 W.L.R. 77.

Industrial Disputes Tribunal

Application for order

Costs of prohibition—Parties to be served—Minister and union separately represented—Whether both entitled to costs.
Regina v. Industrial Disputes Tribunal. *Ex parte* **American Express Co. Inc.**, Divl.Ct. [1954] 1 W.L.R. 1118.

Jurisdiction

Award by tribunal that recognized terms and conditions should apply to local authority—Local authority's circumvention of award by dismissing and re-engaging employee for same duties on different terms—Report of an " issue " by union to Minister—Reference of issue by Minister to tribunal—" Issue " and " dispute "—Not mutually exclusive—No duty to exhaust alternative negotiating machinery before reporting issue to Minister—Industrial Disputes Order, 1951, arts. 2 (*b*), 10, 12 (1).
Regina v. Industrial Disputes Tribunal. *Ex parte* **Portland Urban District Council**, C.A. [1955] 1 W.L.R. 949.

Bank—Dispute between trustee savings banks and bank employees—Whether a dispute in " a trade or industry . . . or . . . undertaking "—" Undertaking "—" Trade "—Statutory control of expenditure—Whether increase of wage a necessary expense—Trustee Savings Banks Act, 1863, ss. 2, 6—Emergency Powers (Defence) Act, 1939, s. 1 (4)—Supplies and Services (Transitional Powers) Act, 1945, ss. 5 (2), 10—Industrial Disputes Order, 1951, arts. 1, 8.
Regina v. Industrial Disputes Tribunal. *Ex parte* **East Anglian Trustee Savings Bank**, Divl.Ct. [1954] 1 W.L.R. 1093.

Brewery—Claim by union on behalf of small proportion of employees—Whether a dispute in " an undertaking "—Whether union represented a " Section of trade or industry "—" Section "—Industrial Disputes Order, 1951, art. 1.
Regina v. Industrial Disputes Tribunal. *Ex parte* **Courage & Co. Ltd.**, Divl.Ct. [1956] 1 W.L.R. 1062.

Claim by union to implement award to union members—Workers subsequently becoming members of union—Existence of dispute—Award retrospective to date before dispute arose—Industrial Disputes Order, 1951, arts 1, 8, 10.
Regina v. Industrial Disputes Tribunal. *Ex parte* **Kigass Ld.** Divl.Ct. [1953] 1 W.L.R. 411.

Claim by workman for promotion—Resolution passed by union meeting to refer matter to tribunal—" Dispute " arising out of workman's claim referred by union to Minister—Members of union parties to the dispute—Dispute between " workmen " and employers—Dispute connected with the terms of the employment of " any of those workmen "—Industrial Disputes Order, 1951 (S.I. 1951, No. 1376), arts. 10, 12 (1).
Reg. v. Industrial Disputes Tribunal. *Ex parte* **Queen Mary College, London University**, Divl.Ct. [1957] 2 Q.B. 483; [1957] 3 W.L.R. 283.

National Union of Journalists—Agreed terms of employment—One employer refused to observe agreement in respect of one employee—" Issue "—Reference to tribunal by Minister—Distinction between " dispute " and " issue "—Industrial Disputes Order, 1951, art. 2. **Reg. v. Industrial Disputes Tribunal.** *Ex parte* **Practical Banking Ltd.** Divl.Ct. [1952] 2 Q.B. 662; [1952] 1 T.L.R. 1448; [1952] 1 All E.R. 1370.

Report by union on behalf of workmen—Reference of matter to tribunal by Minister—Whether employer bound by national agreement as to increase of wages and holidays—Employers not members of federation—Distinction between " dispute " and " issue "—Industrial Disputes Order, 1951, arts. 1, 2.
Regina v. Industrial Disputes Tribunal. *Ex parte* **Technaloy Ld.**, Divl.Ct. [1953] 1 W.L.R. 1418: C.A. [1954] 2 Q.B. 46; [1954] 2 W.L.R. 932.

Town clerk—Dispute between town clerk and municipal corporation—Reference to tribunal—Competence—" Workman "—" Dispute "—Interpretation Act, 1889, s. 1—Conditions of Employment and National Arbitration Order, 1940—Industrial Disputes Order, 1951, art. 12 (1). **Rex v. National Arbitration Tribunal.** *Ex parte* **South Shields Corpn.**, Divl.Ct. [1952] 1 K.B. 46; [1951] 2 T.L.R. 791; [1951] 2 All E.R. 828.

National Arbitration Tribunal

Jurisdiction

Private agreement—Dispute between employers and employees—Supplementation of war service pay—Conditions of Employment and National Arbitration Order, 1940, cl. 7.
In re **Birkenhead Corporation**, Romer L.J. [1952] Ch. 359; [1952] 1 T.L.R. 320; [1952] 1 All E.R. 262.

Vicarious liability. *See* VICARIOUS LIABILITY.

TRADE MARK
Assignment
Goodwill
Use of trade mark in different countries—Advertisement—Necessity for—Use of mark on envelopes—Trade Marks Act, 1938, ss. 2, 7, 8, 22.
R. J. Reuter Co. Ltd. v. Mulhens, C.A. [1954] Ch. 50; [1953] 3 W.L.R. 789.
Contempt. *See* CONTEMPT OF COURT.
False trade description. *See* MERCHANDISE MARKS; PASSING OFF.
Infringement
Bona fide use of own name, defence of
Whether applicable to use as a trade mark—Risk of confusion—Trade Marks Act, 1938, ss. 4 (1), 8 (*a*). **Baume & Co. v. A. H. Moore Ltd.,** Danckwerts J. [1957] 3 W.L.R. 870. C.A. [1958] Ch. 907; [1958] 2 W.L.R. 797.
"Use" of trade mark
Publication of directory listing wrong firm as registered proprietor of plaintiffs' trade mark—Liability of publishers for "use" of mark—Trade Marks Act, 1938, ss. 4 (1), 68 (2). **M. Ravok (Weatherwear) Ld. v. National Trade Press Ld.,** Lord Goddard C.J. [1955] 1 Q.B. 554; [1955] 2 W.L.R. 583.
Registration
Distinctiveness
Geographical name—Whether inherently adapted to distinguish—"Yorkshire" copper tubes—Trade Marks Act, 1938, s. 9.
Yorkshire Copper Works Ld. v. Registrar of Trade Marks, H.L.(E.) [1954] 1 W.L.R. 554.
Malta—"Bata"—Printed in large cursive style—Particular and distinctive manner—Distinctive device or fancy word—Industrial Property (Protection) Ordinance, Laws of Malta, 1942 Act, c. 48, s. 83 (*a*), (*c*). **Edgar Staines v. Victor La Rosa,** J.C. [1953] 1 W.L.R. 474.
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Foreign trade mark
Merchandise Marks Act—Forgery of trade mark with intent to deceive—Intention must be deliberate—"Makes"—"Trade mark"—"Protected by law in foreign state"—Priority provisions not made use of—Patents and Designs Act, 1907, s. 91—Trade Marks Act, 1938, s. 11—Merchandise Marks Act, 1887, ss. 2, 34.
In re **Vitamins Ltd.'s Application,** Lloyd-Jacob J. [1956] 1 W.L.R. 1.
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Roses—Trade marks the "variety" names—Variety names sole designation of a rose—Not distinctive—Confusion—Wrongly registered—Rectification of register—Trade Marks Act, 1938, ss. 9, 11 (1), 15, 32 (1).
In re **Wheatcroft Bros. Ld.'s Trade Marks,** Lloyd-Jacob J. [1954] Ch. 210; [1954] 1 W.L.R. 116.

TRADE UNION. (*See also* MAINTENANCE OF SUIT; TRADE DISPUTE.)
Expulsion
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Alleged offences by member against union policy—Domestic trial—Expulsion resolution—Appeal provisions in by-laws—Contractual obligation not to resort to suit at law before all appeal remedies exhausted—"Decision" of domestic tribunal.
White v. Kuzych, J.C. [1951] A.C. 585; [1951] 2 T.L.R. 277; [1951] 2 All E.R. 435.
Committee enforcing discipline on certain dockers—Assault by docker on union official—Committee's resolution for removal of member from register—Resulting loss of employment—Resolution ultra vires—Whether member entitled to damages.
Abbott v. Sullivan, C.A. [1952] 1 K.B. 189; [1952] 1 T.L.R. 133; [1952] 1 All E.R. 226.
Decision of committee—Error in law in construing rules—Domestic tribunal—Whether plaintiff's conduct amounting to unfair competition—Jurisdiction of court.
Lee v. Showmen's Guild of Great Britain, C.A. [1952] 2 Q.B. 329; [1952] 1 T.L.R. 1115; [1952] 1 All E.R. 1175.
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Expulsion of member—Rules of union—Expulsion ultra vires—Claim for damages—Nature of contract between trade union and members—Whether trade union a legal entity vis-à-vis members—Trade Union Act, 1871.
Bonsor v. Musicians' Union, C.A. [1954] Ch. 479; [1954] 2 W.L.R. 687. H.L.(E.) [1956] A.C. 104; [1955] 3 W.L.R. 788.
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Union consisting of co-operative societies—Whether union a trade union—Trade Union Act, 1871, s. 4.
Birtley and District Co-operative Society Ltd. v. Windy Nook and District Industrial Co-operative Society Ltd. (No. 2), Streatfeild J. [1960] 1 Q.B. 1; [1959] 2 W.L.R. 415.

TRADE UNION—*continued.*

Membership. (*See also* **Expulsion.**)

Contract

Admission to temporary membership—No provision in rules—Termination of membership Effect of contract—Trade Unions Act, 1871, s. 14.
Martin v. Scottish Transport and General Workers' Union, H.L. (Sc.) [1952] W.N. 142; [1952] 1 T.L.R. 677; [1952] 1 All E.R. 691.

Termination

Whether arbitration award binding on member afterwards—Co-operative societies—Award defining trading areas.
Bellshill and Mossend Co-operative Society Ltd. v. Dalziel Co-operative Society Ltd., H.L. (Sc.) [1960] A.C. 832; [1960] 2 W.L.R. 580.

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Trades Union Congress principles for avoidance of disputes between affiliated organizations—"Bridlington Agreement"—Breach of agreement by union's admission to membership of person transferring from another union—Purported expulsion of members in compliance with award of T.U.C. disputes committee—Whether implied term of contract of membership of union that member shall conform to and union shall have right to implement lawful agreements of union.
Spring v. National Amalgamated Stevedores and Dockers Society, Cty. Palatine Ct. of Lancaster [1956] 1 W.L.R. 585.

TRADING WITH THE ENEMY

Administrator of Enemy Property

Appeal from decision

Whether decision of Administrator on effect of German law final—Distribution of German Enemy Property Act, 1949—Distribution of German Enemy Property (No. 2) Order, 1951, art. 7 (2). *In re* **Claim by Helbert Wagg & Co. Ltd.,** Upjohn J. [1956] Ch. 323; [1956] 2 W.L.R. 183.

Agency

Principal becoming enemy alien

Goods of principal deposited in England—Bought by agent from Custodian—Resale—Liability of agent to account to principal.
Nordisk Insulinlabatorium v. Gorgate Products Ltd., Vaisey J. [1952] W.N. 540; [1952] 2 T.L.R. 964; [1952] 2 All E.R. 1040. C.A. [1953] Ch. 430; [1953] 2 W.L.R. 879.

Banking

Enemy customer

Whether contract abrogated—Whether obligation to repay implied by law.
Arab Bank Ld. v. Barclays Bank (Dominion, Colonial and Overseas), Parker J. [1952] W.N. 529; [1952] 2 T.L.R. 920. C.A. [1953] 2 Q.B. 527; [1953] 3 W.L.R. 67; H.L. (E.) [1954] A.C. 495; [1954] 2 W.L.R. 1022.

Company

Incorporated in England

Enemy control—Effect in English law.
Kuenigl v. Donnersmarck, McNair J. [1955] 1 Q.B. 515; [1955] 2 W.L.R. 82.

Custodian of Enemy Property. (*See also* CONFLICT OF LAWS.)

Income tax exemption

Income of investments of property by Custodian—Trading with the Enemy Act, 1939, s. 7. **Bank Voor Handel en Scheepvaart N.V. v. Administrator of Hungarian Property,** H.L. (E.) [1954] A.C. 584; [1954] 2 W.L.R. 867.

Interest in enemy property

Whether property "vests" in him for purpose of will—Trading with the Enemy Act, 1939, s. 7 (1)—Trading with the Enemy (Custodian) Order, 1939, art. 1—Trading with the Enemy (Specified Areas) Order, 1940.
In re **Pozot's Settlement Trusts.** *In re* **Westminster Bank Ltd. v. Guerbois,** C.A. [1952] Ch. 427; [1952] 1 T.L.R. 1042; [1952] 1 All E.R. 1107.

Litigation

Rights vesting in custodian—German partnership—Action by partners against London agents for proceeds of sale of goods—Money in hands of custodian—Claims in conversion, breach of trust and for declaratory relief—Whether actions maintainable—Trading with the Enemy Act, 1939, s. 7—Trading with the Enemy (Custodian) Order, 1939, arts. 1, 2, 5—Trading with the Enemy (Custodian) (No. 2) Order, 1945, art. 1—Distribution of German Enemy Property Act, 1949, s. 1—Distribution of German Enemy Property (No. 1) Order, 1950, art. 18 (1) (3)—Trading with the Enemy (Custodian) Order, 1951, arts. 1, 4, 7.
Maerkle v. British Continental Fur Co. Ld., C.A. [1954] 1 W.L.R. 1242.

Power of sale

Gold sovereigns deposited in bank—Involuntary residence in enemy territory—Order vesting property in custodian—Whether power of sale excluded—"Enemy"—Meaning—Trading with the Enemy Act, 1939, ss. 2, 7.
Vamvakas v. Custodian of Enemy Property, Ormerod J. [1952] 2 Q.B. 183; [1952] 1 T.L.R. 638; [1952] 1 All E.R. 629.

TRADING WITH THE ENEMY—*continued.*

Custodian of Enemy Property (*Power of sale*)—*continued.*

Sale of trade mark and goodwill—Whether intra vires—Trading with the Enemy Act, 1939, ss. 7, 16—Trading with the Enemy (Custodian) Order, 1939—Distribution of German Enemy Property Act, 1949—Distribution of German Enemy Property (No. 1) Order, 1950, para. 18 (1) (3). **R. J. Reuter Co. Ld. v. Mulhens,** C.A. [1954] Ch. 50; [1953] 3 W.L.R. 789.

Distribution of enemy property

Claim

Debt—Assignment—Ownership—Export in 1939 of dried peas from Roumania to United Kingdom—Import-Export restrictions between the two countries—Price of peas paid into compensation transaction account—Roumanian exporter assigns right to price to another Roumanian merchant—On outbreak of war money paid over to Custodian of Enemy Property—On cessation of hostilities money transferred to Administrator of Roumanian Property—Whether assignee entitled to recover sterling in question—"Owner"—Meaning—Debts Clearing Offices and Imports Restrictions Act, 1934, s. 1—Clearing Office (Roumania) Order, 1936—Clearing Office (Roumania) Amendment Order, 1939—Trading with the Enemy Act, 1939—Clearing Office (Roumania) Amendment Order, 1940—Treaties of Peace (Italy, Roumania, Bulgaria, Hungary and Finland) Act, 1947—Treaty of Peace (Roumania) Order, 1948, art. 1 (5) (*g*).
Fischler v. Administrator of Roumanian Property, H.L.(E.) [1960] 1 W.L.R. 917.

Unliquidated damages—Breach of covenant to repair—Amount not quantified—Not a "sum due"—Distribution of German Enemy Property Act, 1949, s. 8 (1)—Distribution of German Enemy Property (No. 2) Order, 1951, cl. 5 (6).
In re **Collbran, decd.,** Upjohn J. [1956] Ch. 250; [1956] 2 W.L.R. 337.

Husband and wife

Separation agreement

Husband agreed to pay wife monthly sum for maintenance—Wife voluntarily resident in enemy territory during the war—Instalments not paid—Whether contract abrogated at common law—Trading with the Enemy Act, 1939, ss. 1, 7.
Bevan v. Bevan, Sellers J. [1955] 2 Q.B. 227; [1955] 2 W.L.R. 948.

Licence to sue

Validity

Salvage services rendered to British ship—Claim by enemy alien company—Licence to sue issued by Secretary of State—Not competent for court to inquire into validity of licence—Trading with the Enemy Act, 1939, s. 2.
Bugsier Reederei-und-Bergungs A/G v. S.S. Brighton, Willmer J. [1951] W.N. 370; [1951] 2 T.L.R. 409.

Loan before war

Enemy debtor

Whether contract abrogated.
In re **Claim by Helbert Wagg & Co. Ltd.,** Upjohn J. [1956] Ch. 250; [1956] 2 W.L.R. 183.

Peace Treaty

Charge on property

"Belonging to" or "held or managed on behalf of" Hungarian national—Property of one-man company, all shares belonging to him—Treaty of Peace (Hungary) Order, 1948, art. 1 (5).
Bank voor Handel en Scheepvaart v. Slatford, Devlin J. [1953] 1 Q.B. 248; [1952] 1 T.L.R. 341; [1952] 1 All E.R. 314.

Power of attorney

Grantor and grantee divided by line of war

Grantor escaping to allied territory—Grantee remaining in occupied territory—Sale of land by grantee—Not completed—Subsequent claim for specific performance—Whether contract abrogated.
Hangkam Kwingtong Woo v. Liu Lan Fong alias Liu Ah Lan, J.C. [1951] A.C. 707; [1951] 2 T.L.R. 442; [1951] 2 All E.R. 567.

TRANSPORT. (*See also* ROAD TRAFFIC.)

Local authority

Powers. See LOCAL GOVERNMENT.

London Passenger Transport Board. *See* METROPOLIS (**Pension**).

Nationalisation

Charges scheme

Alteration of existing scheme—Transport Act, 1947, s. 79.
British Transport Commission v. London County Council, C.A. [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665.

Compensation

Balancing charge—"Sale"—Railway wagons vested in Transport Commission—Whether transaction a sale—Liability to balancing charge—Income Tax Act, 1945, ss. 17 (1) (*a*), (3)—Transport Act, 1947, s. 29.
Kirkness v. John Hudson & Co. Ld., Upjohn J. [1953] 1 W.L.R. 749.
C.A. [1954] 1 W.L.R. 40.
H.L.(E.) [1955] A.C. 696; [1955] 2 W.L.R. 1135.

TRANSPORT—*continued.*

Nationalisation (*Compensation*)—*continued.*

Compensation to employees—Right under service agreement to damages for breach of contract—" Compensation "—" Damages "—Transport Act, 1947, s. 101—Transferred Undertakings (Compensation to Employees) Regulations, 1950, reg. 3; Sch. 2, paras. 4, 5, 17.

Reg. v. Minister of Labour and National Service. *Ex parte* **Road Haulage Executive,** Divl.Ct. [1952] W.N. 478; [1952] 2 T.L.R. 720; [1952] 2 All E.R. 764.

Employees, to—Right to damages if dismissed—Transferred Undertakings (Compensation to Employees) Regulations, 1950, Sch. II, para. 4 (2).

Reg. v. Birmingham Compensation Appeal Tribunal. *Ex parte* **Road Haulage Executive,** Divl.Ct. [1952] 2 All E.R. 100.

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Road Haulage Executive v. Elrick, H.L.(Sc.) [1953] A.C. 337; [1953] 2 W.L.R. 602.

Fares

Omnibus company—100 per cent. subsidiary of British Transport Commission—Company's application to vary fares made to licensing authority—Jurisdiction of authority—Road Traffic Act, 1930, s. 72—Transport Act, 1947, ss. 2 (1) (2) (*f*) (*g*) (*i*), 63–65, 76.

Ebbw Vale Urban District Council v. South Wales Traffic Area Licensing Authority, C.A. [1951] 2 K.B. 366; [1951] 1 T.L.R. 742; [1951] 1 All E.R. 806.

Income tax. Balancing charge. See REVENUE.

New route

Omnibus—New service—Route approved by licensing authority—No road service licence—Powers of British Transport Commission—Delegation of powers to London Transport Executive—Extent of powers of executive and validity of delegation—London Passenger Transport Act, 1933, s. 15—Transport Act, 1947, ss. 2 (1), 12, 14 (4), 65 (1).

Smith v. London Transport Executive, H.L.(E.) [1951] A.C. 555; [1951] W.N. 157; [1951] 1 T.L.R. 683; [1951] 1 All E.R. 667; 115 J.P. 213.

Permit

Licence in respect of one contract—Permit to carry agricultural produce beyond 25-mile radius—Carriage of agricultural produce other than contract work beyond 25 miles—Illegality—Road and Rail Traffic Act, 1933, s. 8 (1)—Transport Act, 1947, s. 52 (1).

Barham v. Castell, Divl.Ct. [1951] W.N. 526; [1951] 2 T.L.R. 923; [1951] 2 All E.R. 809.

Permit to carry agricultural produce—Carriage of unprocessed hides—Whether imported hides covered by permit—Road and Rail Traffic Act, 1933—Transport Act, 1947.

Scarr v. Wurzal, Divl.Ct. [1951] W.N. 234; [1951] 1 T.L.R. 1001; [1951] 1 All E.R. 1014.

Transport Arbitration Tribunal

Confirmation of agreements under section 108 of the Transport Act, 1947.

Practice Direction [1952] W.N. 200.

TRESPASS. (*See also* NEGLIGENCE; OCCUPIERS' LIABILITY.)

Airspace

Projection from building

Advertising sign—Whether invasion of airspace by projection trespass or nuisance—Whether damages or injunction appropriate remedy.

Kelsen v. Imperial Tobacco Co. (of Great Britain and Ireland) Ltd., McNair J. [1957] 2 Q.B. 334; [1957] 2 W.L.R. 1007.

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Building on footings of next door house. **Truckell v. Stock,** C.A. [1957] 1 W.L.R. 161.

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Injury not due to vicious action by cattle—Damage to occupier not too remote.

Wormald v. Cole, C.A. [1954] 1 Q.B. 614; [1954] 2 W.L.R. 613.

Railway

Fencing—Cattle killed on line—Calves separated from dams—Exceptional force used to break through fence—Whether dams " strayed "—Train derailed—Damages—Railway Clauses Consolidation Act, 1845, s. 68. **Cooper v. Railway Executive,** Devlin J. [1953] 1 W.L.R. 223.

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Esso Petroleum Co. Ltd. v. Southport Corpn., Devlin J. [1953] 3 W.L.R. 773.
C.A. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200.
H.L.(E.) [1956] A.C. 218; [1956] 2 W.L.R. 81.
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Morriss v. Marsden, Stable J. [1952] W.N. 188; [1952] 1 T.L.R. 947;
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Braithwaite v. South Durham Steel Co. Ltd., Edmund Davies J. [1958] 1 W.L.R. 986.
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Damage to corporation property—London Government Act, 1939, s. 181 (3).
Kensington Borough Council v. Walters, Divl.Ct. [1960] 1 Q.B. 361;
[1959] 3 W.L.R. 945.
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Electric cable placed under land without knowledge or consent of landowner—Contract with landowner to excavate trench in land—Contractor unaware of cable—Injury to cable during excavation—Contractor's act not wrongful since neither wilful nor negligent—Sole fault that of the person placing cable on land—No liability in trespass.
National Coal Board v. J. E. Evans & Co. (Cardiff) Ltd., C.A. [1951] 2 K.B. 861;
[1951] 2 T.L.R. 415; [1951] 2 All E.R. 310.
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Shooting act—Whether action will lie without proof of negligence—Whether distinction between injury on highway and elsewhere.
Fowler v. Lanning, Diplock J. [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241.
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Revocation of licence to construct sewer—Rights of licensee—Injunction—Damages.
Armstrong v. Sheppard & Short Ltd., C.A. [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84.
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Byrne v. Kinematograph Renters Society Ltd., Harman J. [1958] 1 W.L.R. 762.
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C.A. [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419.

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Davis v. Carew-Pole, Pilcher J. [1956] 1 W.L.R. 833.
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Baker v. Jones, Lynskey J. [1954] 1 W.L.R. 1005.
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Arbitrator—Radical departure from cases submitted by parties—Misconduct.
Société Franco-Tunisienne D'Armement-Tunis v. Government of Ceylon,
C.A. [1959] 1 W.L.R. 787.
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Signature—Need be signed only by chairman. **Peradeniya Service Bus Co. Ltd. v. Sri Lanka Omnibus Co. Ltd.** [1952] W.N. 373.

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Award by tribunal in England—Jurisdiction of Scottish courts. **Regina v. Industrial Disputes Tribunal.** *Ex parte* **Kigass Ld.,** Divl.Ct. [1953] 1 W.L.R. 411.

Declaration—Hospital board—Wrongful dismissal—Consultant on staff of hospital—Transfer to regional hospital board on appointed day—New contract incorporating terms and conditions of service issued by Minister—Termination by board—Whether board acted mala fide—Remedy for breach. **Barber v. Manchester Regional Hospital Board,** Barry J. [1958] 1 W.L.R. 181.

———— Labour board—Delegation of disciplinary powers by national board to local board—Unauthorized delegation of disciplinary powers by local board to committee of local board—Wrongful dismissal—Whether damages sufficient remedy—Whether declaration should be granted—Dock Workers (Regulation of Employment) Order, 1947, cls. 16, 17. **Vine v. National Dock Labour Board,** C.A. [1956] 1 Q.B. 658; [1956] 2 W.L.R. 311. H.L.(E.) [1957] A.C. 488; [1957] 2 W.L.R. 106.

Declaration—National Assistance Board—Disposable income for legal aid—Legal Aid (Assessment of Resources) Regs., 1950, reg. 2. **Taylor (formerly Kraupl) v. National Assistance Board,** Lord Merriman P. [1956] P. 470; [1956] 3 W.L.R. 290.

Declaration or injunction—Labour board—Unauthorized delegation by board of power to suspend workers from work and pay—Suspensions a nullity—Decisions of statutory appeal tribunal dismissing appeals against suspensions also null and void—Certiorari no remedy—Discretionary power of court to intervene by way of declaration and injunction to remedy injustice—Dock Workers (Regulation of Employment) Order, 1947. **Barnard v. National Dock Labour Board,** McNair J. [1952] W.N. 392; [1952] 2 T.L.R. 309; [1952] 2 All E.R. 424. C.A. [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995.

Discipline Committee of Architects' Registration Council—Jurisdiction of court. **Hughes v. Architects' Registration Council of the United Kingdom,** Divl.Ct. [1957] 2 Q.B. 550; [1957] 3 W.L.R. 119.

Delegation of powers

Whether a nullity—Quasi-judicial disciplinary functions—Dock Workers (Regulation of Employment) Order, 1947. **Barnard v. National Dock Labour Board,** McNair J. [1952] W.N. 392; [1952] 2 T.L.R. 309; [1952] 2 All E.R. 424. C.A. [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995.

"Independent person" as chairman

Barrister chairman of disciplinary committee of agricultural marketing board—Paid fee by board—Whether independent. **Potato Marketing Board v. Merricks,** Devlin J. [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135.

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To determine facts establishing own jurisdiction—Whether determination res judicata. **Heptulla Brothers Ltd. v. Thakore,** J.C. [1956] 1 W.L.R. 289.

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Private rights affected—Decision irrevocable. *In re* **56 Denton Road, Twickenham,** Vaisey J. [1953] Ch. 51; [1952] 2 T.L.R. 676; [1952] 2 All E.R. 799.

TRINIDAD AND TOBAGO

Criminal law

Practice

Retrial—Accused not entitled as of right to access to judge's notes of previous trial—Murder—Alternative theories of how crime was committed—Inferences from evidence—Not a change of front by prosecution. **Ramlochan v. The Queen,** J.C. [1956] A.C. 475; [1956] 3 W.L.R. 117.

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Legislative Council

Elected member

Contract with government for or on account of public service—Competence of elector to maintain proceedings for disqualification—Reference to Supreme Court by Legislative Council only—Appeal to Privy Council—Jurisdiction—Trinidad and Tobago (Constitution) Order in Council, 1950 (as amended by the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1956), ss. 38 (3) (*e*), 40 (1).
Patterson v. Solomon, J.C. [1960] A.C. 579; [1960] 2 W.L.R. 685.

Privy Council, leave to appeal to. *See* PRIVY COUNCIL.

Prohibited immigrant

Decision of Governor-in-Council

Strict compliance with statutory requirements—Written document as essential evidence of decision—Immigration (Restriction) Ordinance, 1936 (as amended in 1943) (c. 20, No. 2), s. 4 (1) (*h*)—Interpretation Ordinance (c. 1, No. 2), s. 19.
Musson v. Rodriguez, J.C. [1953] A.C. 530; [1953] 3 W.L.R. 212.

Rates and rating

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Rateable value—Rent restriction legislation—Application—" Standard rent " the value for purpose of rate—English principle inapplicable—Port of Spain Corporation Ordinance (Revised Ordinances of Trinidad and Tobago, 1950, c. 39, No. 1), ss. 89, 101, 114—Rent Restriction Ordinance (Revised Ordinances, 1950, c. 27, No. 18), ss. 3 (1), 8, 9.
Port of Spain Corpn. v. Gordon, Grant & Co. Ld., J.C. [1955] A.C. 389; [1955] 2 W.L.R. 723.

TRUST FOR SALE. (*See also* SETTLED LAND.)

" Person interested "

Judgment creditor

Property held by debtor and wife on trust for sale as tenants in common — Receiver appointed—Creditor not entitled to order for sale—Not " person interested " or equitable chargee of proceeds of sale—Law of Property Act, 1925, ss. 30, 195, 205 (x)—Land Charges Act, 1925, ss. 6, 20.
Stevens v. Hutchinson, Upjohn J. [1953] Ch. 299; [1953] 2 W.L.R. 545.

Power of leasing

Beneficiary let into possession

No statutory delegation of trustees' powers—Beneficiary grants tenancy—Whether beneficiary a " landlord " entitled to possession for occupation—Law of Property Act, 1925, s. 29. **Stratford v. Syrett,** C.A. [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733.

Power to postpone

Implied power

Direction to trustees to sell farm " as soon as possible " after death—Whether " investment " included farm—Whether implied power to postpone sale—Law of Property Act, 1925, s. 25 (1). *In re* **Rooke,** Harman J. [1953] Ch. 716; [1953] 2 W.L.R. 1176.

Matrimonial home

Husband and wife joint tenants—Divorce—Wife's application for order directing sale—Court's discretion—Law of Property Act, 1925, s. 30.
Jones v. Challenger, C.A. [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695.

Repairs

Agricultural land

Expenditure on repairs by trustees for sale—Whether proper to apply capital moneys—Whether discretion to apply capital moneys for such repairs without regard to the interests of persons in remainder entitled to capital—Law of Property Act, 1925, s. 28—Settled Land Act, 1925, ss. 73 (1) (iv), 75 (1) (2), 83, 107, Sch. III—Agricultural Holdings Act, 1948, ss. 1 (2), 81 (1), 96 (1), Sch. III.
In re **Boston's Will Trusts,** Vaisey J. [1956] Ch. 395; [1956] 2 W.L.R. 700.

Town and country planning. *See* TOWN PLANNING.

TRUSTEE SAVINGS BANK

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Industrial Disputes Tribunal

Jurisdiction—Dispute between trustee savings banks and bank employees—Whether dispute in " a trade or industry . . . or . . . undertaking."
Regina v. Industrial Disputes Tribunal. *Ex parte* **East Anglian Trustee Savings Bank,** Divl.Ct. [1954] 1 W.L.R. 1093.

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Statutory declaration — To be filed with each power of attorney — Trustee Act, 1925, s. 25 (4). **Practice Direction,** Q.B.D. [1960] 1 W.L.R. 355.

Accumulation of income. *See* **Maintenance.**

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Donee of power not entitled to appoint himself—Trustee Act, 1925, s. 36 (6).
In re **Power's Settlement Trusts,** Wynn-Parry J. [1951] Ch. 689; [1951] 1 T.L.R. 820; [1951] 1 All E.R. 932.
C.A. [1951] Ch. 1074; [1951] 2 T.L.R. 355; [1951] 2 All E.R. 513.

Appointment of new trustees

Retirement of existing trustees

Property becoming settled land on January 1, 1926—Personal representatives by representation—Trustees for the purposes of the Settled Land Act—Whether power to retire and appoint new trustees—Settled Land Act, 1925, s. 30 (3)—Trustee Act, 1925, ss. 64, 68 (5). *In re* **Dark, decd.,** Roxburgh J. [1954] Ch. 291; [1954] 2 W.L.R. 509.

"Retiring trustee"—Trustee "out of the United Kingdom for more than twelve "months" but unwilling to retire from trust—Trustee Act, 1925, s. 36 (1) (8).
In re **Stoneham Settlement Trusts. Popkiss and Another v. Stoneham and Another,** Danckwerts J. [1953] Ch. 59; [1952] 2 T.L.R. 614; [1952] 2 All E.R. 694.

Appointment of trustee

Jurisdiction of court

Deceased domiciled abroad leaving widow and infant—Intestacy—Estate in United Kingdom—English administrators—Infant entitled to three-quarters of estate—Whether jurisdiction in court to appoint trustees of infant's share—Powers of maintenance and advancement—Administration of Estates Act, 1925, s. 42—Trustee Act, 1925, ss. 31, 32.
In re **Kehr, decd.,** Danckwerts J. [1952] Ch. 26; [1951] 2 T.L.R. 788; [1951] 2 All E.R. 812.

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Duty to inform and pay cestui que trust

Retention of capital and income by trustees—Cestui que trust absolutely entitled as joint tenant to capital and interest of trust fund—Duty of trustees to inform cestui que trust upon attaining twenty-one of interest in settlement—Duty to pay income to cestui que trust without demand—Duty to pay capital to cestuis que trust without demand—No obligation on trustees to inform cestui que trust of right to sever.
Hawkesley v. May, Havers J. [1956] 1 Q.B. 304; [1955] 3 W.L.R. 569.

Fraudulent conversion by trustee

Transfer of part of proceeds to innocent third party—Claim by beneficiary to follow the assets—Appropriate defence to such claim.
G. L. Baker Ltd. v. Medway Buildings and Supplies Ltd., Danckwerts J. & C.A. [1958] 1 W.L.R. 1216.

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Misappropriation of trust funds. **Gordon v. Gonda,** C.A. [1955] 1 W.L.R. 885.

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Will—Specific devise—Voidable interest—Devise of property comprised in estate of which testatrix trustee and purchased by her through nominee—Property recoverable by beneficiaries on paying amount of price paid by testatrix—Whether payable to specific devisee or to estate of testatrix. *In re* **Sherman, decd.** *In re* **Walters, decd.,** Harman J. [1954] Ch. 653; [1954] 2 W.L.R. 903.

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Chapman v. Chapman. *See* **Variation.**

Company

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Interlocutory motion by beneficiaries to direct trustees' method of voting—No order of court to presume beneficiaries past age of child-bearing.
In re **George Whichlow Ld.,** Upjohn J. [1954] 1 W.L.R. 5.

Share premium account—Reduction—Payment to trustees—Whether capital or income—Companies Act, 1948, s. 56.
In re **Duff's Settlements,** Harman J. [1951] Ch. 721; [1951] 1 T.L.R. 735; [1951] 1 All E.R. 869.
C.A. [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R 534.

Trust for sale—Shares in private company—Controlling interest held by trustees—Appropriation in respect of shares of residue—Control of company—Right of beneficiary absolutely entitled to transfer of his proportion of appropriated shares of company—Opposition of beneficiaries entitled to a settled share of residue—"Special circumstances." *In re* **Weiner, decd.,** Harman J. [1956] 1 W.L.R. 579.

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" In their sole and absolute discretion—Bona fide exercise—Condition that trustees be satisfied that infirmary is not under the State's control.
Dundee General Hospitals Board of Management v. Walker, H.L. (Sc.) [1952] W.N. 180; [1952] 1 All E.R. 896.

Variation of trusts under Act of 1958—Power of court to override trustees.
In re **Steed's Will Trusts,** C.A. [1960] Ch. 407; [1960] 2 W.L.R. 474.

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Investment in stock—Dividend—Distribution of capital profits of company—Tenant for life and remaindermen—Trustees' discretion to determine whether capital or income.
In re **Maclaren's Settlement,** Harman J. [1951] W.N. 394; [1951] 2 T.L.R. 209; [1951] 2 All E.R. 414.

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" Disposition " required to be in writing. *See* Assignment **(Equitable).**

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Power of court to dispense with consents—Whether Inland Revenue may invoke power.
Inland Revenue Comrs. v. Bernstein, Danckwerts J. [1960] Ch. 444; [1960] 2 W.L.R. 554.

Friendly Society

Trustee

Power to appoint corporate body as sole trustee—Friendly Societies Act, 1896.
In re **Pilkington Brothers Ld.,** Danckwerts J. [1953] 1 W.L.R. 1084.

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Long leaseholds

Whether rule applicable—Residuary bequest including long leasehold—Whether property held on trust for sale or settled land—Testator's intention—Settled Land Act, 1925, s. 73 (1) (xi). *In re* **Gough, decd.,** Vaisey J. [1957] Ch. 323; [1957] 2 W.L.R. 961.

Words to exclude

Whether excluding rule in *Allhusen* v. *Whittell*—Direction in will that income from unsold property be applied as if it were " income arising from investments . . . to be " made of the proceeds of sale. . . ."
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Construction

Power to trustees to invest " on such securities as they may think fit "—" Securities " —Meaning.
In re **Douglas' Will Trusts,** Vaisey J. [1959] 1 W.L.R. 744.

Maintenance after 21

Exclusion of section of Trustee Act

Contrary intention—Direction to accumulate income—Effect of invalidity of direction—Will—Trustee Act, 1925, ss. 31 (1) (ii), 69 (2).
In re **Ransome, decd.,** Upjohn J. [1957] Ch. 348; [1957] 2 W.L.R. 556.

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Accumulation

Payment for infant under discretionary trust—Not required for maintenance—Whether it should be accumulated by s. 31 (2) (ii).
In re **Vestey's Settlement,** C.A. [1951] Ch. 209.

Trust of income for adult and infant beneficiaries—Resolution by trustees in successive half-years dealing with income—Part of income allocated in shares to infant beneficiaries—Resolution that as not required for maintenance shares on income to be accumulated in accordance with Trustee Act, 1925, s. 31—Section inapplicable—Validity of allocation—Trustee Act, 1925, s. 31. *In re* **Baron Vestey's Settlement,** C.A. [1951] Ch. 209.

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Vesting of estate in probate judge

Securities deposited by deceased to secure a debt—Application by creditor for order vesting securities in official solicitor—Whether probate judge a trustee—Trustee Act, 1925, s. 51 (1)—Administration of Estates Act, 1925, s. 9.
In re **Deans, decd.,** Wynn-Parry J. [1954] 1 W.L.R. 332.

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Possibility of execution by court

Power

Power collateral—No exercise of power or execution of trust—Ultimate trust by operation of law in favour of settlor—Whether court will execute ultimate trust.
In re **Sayer,** Upjohn J. [1957] Ch. 423; [1957] 2 W.L.R. 261.

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In re **Martin, decd.,** Harman J. [1952] W.N. 339.

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Power of advancement. (*See also* **Protective trust**; ADVANCEMENT.)

Contrary intention

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Inland Revenue Comrs. v. Bernstein, Danckwerts J. [1960] Ch. 444; [1960] 2 W.L.R. 554.

Exercise of power

Settlement—Will—Express power contained in settlement to advance for the advancement, preferment or benefit of beneficiaries—Statutory power of advancement applied in will—Powers to be exercised in full—Voluntary settlements in terms approved by trustees to be executed by beneficiaries—Infant beneficiary—No difference in position—Whether avoidance of estate duty valid consideration in establishing what is beneficial—Trustee Act, 1925, s. 32.
In re **Ropner's Settlement Trusts,** Harman J. [1956] 1 W.L.R. 902.

——— ——— Express power contained in settlement to "raise" part of fund for benefit of children and granchildren of settlor—Settlement on contingent trusts for infant grandsons—Whether valid exercise of power—Meaning of "raise."
In re **Wills' Will Trusts,** Upjohn J. [1959] Ch. 1; [1958] 3 W.L.R. 101.

Statutory power—Application of capital—Payment to beneficiary direct—No particular purpose expressed—"Benefit"—Trustee Act, 1925, s. 32.
In re **Moxon's Will Trusts,** Danckwerts J. [1958] 1 W.L.R. 165.

——— ——— Fund held on trust for beneficiary for life and after his death for such of his children or remoter issue as he should appoint—Settlement for the benefit of infant child of beneficiary—Advancement of moiety of infant's expectant share on trusts of new settlement—Avoidance of death duties—Whether advancement for benefit of object of power—Whether rule against perpetuities infringed—Whether valid exercise of power of advancement—Trustee Act, 1925, s. 32.
In re **Pilkington's Will Trusts,** Danckwerts J. [1959] Ch. 699; [1959] 3 W.L.R. 116.

"Prior" interests

Contingent interests of unborn children—Trustee Act, 1925, s. 32 (1) (*c*).
Inland Revenue Comrs. v. Bernstein, Danckwerts J. [1960] Ch. 444; [1960] 2 W.L.R. 554.

Validity

Remoteness—Power to apply vested or contingent share of any person interested under will for his or her benefit or benefit of child or children—Meaning of "vested"—Whether power void for remoteness.
In re **Wills' Will Trusts,** Upjohn J. [1959] Ch. 1; [1958] 3 W.L.R. 101.

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Charity—Precise form of scheme in trustees' discretion—Rough outline—Uncertainty.
In re **Warre's Will Trusts, Harman J. [1953] 1 W.L.R. 725.**

Gift of freehold house and contents and "any possessions I may have" to one daughter "on condition that she will always provide a home for" another daughter—Condition subsequent—No gift over. *In re* **Brace, decd.,** Vaisey J. [1954] 1 W.L.R. 955.

Proceedings by trustee against beneficiary

Practice

Application for directions whether to take proceedings against beneficiary—Whether proposed defendants entitled to be heard—Claim to see evidence—Bank executor.
In re **Moritz, decd.,** Wynn-Parry J. [1960] Ch. 251; [1959] 3 W.L.R. 939.

Profit by trustee from trust. (*See also* **Breach.**)

Bank trustee

Money placed by bank on deposit with itself—Right to "perform any service . . . on "the same terms as would be made with a customer"—Money placed by bank on deposit with itself—Whether liable to account.
In re **Waterman's Will Trusts,** Harman J. [1952] W.N. 538; [1952] 2 T.L.R. 877; [1952] 2 All E.R. 1054.

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Protective trust. (*See also* **Uncertainty; Variation.**)

Advancement, consent to

Forfeiture of life interest on income becoming vested in other persons—Express power of advancement—Whether consent to exercise of power operates as forfeiture—Trustee Act, 1925, s. 33. *In re* **Shaw's Settlements,** Harman J. [1951] Ch. 833; [1951] 1 T.L.R. 470; [1951] 1 All E.R. 656.

Determinable life interest for husband

Discretionary trust in favour of issue of marriage after determination of husband's life interest—Order of Divorce Division extinguishing all interests of husband under marriage settlement as if he "had died in the lifetime of the petitioner"—Whether discretionary trust extinguished by order.
In re **Allsopp's Marriage Settlement Trusts,** Vaisey J. [1959] Ch. 81; [1958] 3 W.L.R. 78.

Express

Advancement—No express advancement clause—Whether statutory power of advancement—Whether forfeiture incurred by consent to exercise such power—Trustee Act, 1925, ss. 32, 33, 69. *In re* **Rees, decd.,** Upjohn J. [1954] Ch. 202; [1954] 2 W.L.R. 59.

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Beneficial interest in income subject to forfeiture if income became payable to any other person—Authority given by beneficiary for payment of debts out of future dividend of a company—Dividend never declared—Authority nugatory—Interest not forfeited.
In re **Longman,** Danckwerts J. [1955] 1 W.L.R. 197.

Maintenance charged on protected interest by order of court—Trustee Act, 1925, s. 33.
In re **Richardson's Will Trusts,** Danckwerts J. [1958] Ch. 504; [1958] 2 W.L.R. 414.

Income payable to Custodian of Enemy Property

Whether "vesting" in him. *In re* **Pozot's Settlement Trusts,** C.A. [1952] Ch. 427; [1952] 1 T.L.R. 1042; [1952] 1 All E.R. 1107.

Will

Trustee's power to "resort to and spend any part of the capital . . . and apply the "same for . . . [beneficiary's] maintenance and general benefit . . ."—Beneficiary's claim for entire capital rejected—Transfer of capital subject to trustee's discretion.
In re **Powles, decd.,** Harman J. [1954] 1 W.L.R. 336.

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Life interest in share of residue by way of remuneration—Estate duty claimed on death of trustee.
Public Trustee v. Inland Revenue Comrs., Danckwerts J. [1958] 2 W.L.R. 429.
C.A. [1958] Ch. 513; [1958] 3 W.L.R. 163.

Special contribution—Annuity payable to trustee included in assessment—Whether trusteeship an office of profit—Income Tax Act, 1918, s. 14 (3)—Finance Act, 1948, s. 49 (1).
Dale v. Inland Revenue Comrs., Harman J. [1951] Ch. 893; [1951] 2 T.L.R. 522; [1951] 2 All E.R. 517.
C.A. [1952] Ch. 704; [1952] 1 T.L.R. 1566; [1952] 2 All E.R. 89.
H.L.(E.) [1954] A.C. 11; [1953] 3 W.L.R. 448.

Corporation

Administrator—Trustee Act, 1925, s. 42.
In re **Masters, decd.,** Danckwerts J. [1953] 1 W.L.R. 81.

Solicitor

Insolvent estate—Solicitor acting as administrator—Court's discretion to allow costs—Exceptional circumstances.
In re **Worthington, decd.,** Upjohn J. [1954] 1 W.L.R. 526.

Resulting trust

Charity. See BONA VACANTIA; CHARITY (**Cy-près doctrine**).

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Scotland

Income tax

Charity—Whether entitled to exemption from income tax—"Any body of persons or trust "established for charitable purposes only"—Meaning—Application to Scotland—Income Tax Act, 1918, s. 37 (1) (*b*).
Camille and Henry Dreyfus Foundation Inc. v. Inland Revenue Comrs.,
C.A. [1954] Ch. 672; [1954] 3 W.L.R. 167.
H.L.(E.) [1956] A.C. 39; [1955] 3 W.L.R. 451.

Secret trust

Validity

Will—Whole estate bequeathed to wife for life only—Direction that on testator's death wife to make new will leaving estate for purposes desired by testator—Wishes communicated during lifetime of testator—Whether testator's wishes constituted valid trusts—Will witnessed by beneficiary under secret trust—Validity—Wills Act, 1837, s. 15 *In re* **Young, decd.,** Danckwerts J. [1951] Ch. 344; [1951] 1 T.L.R. 262.

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Direction by

Charity—Whether gift in perpetuity of income to charity covers corpus.
In re **Levy, decd.,** C.A. [1960] Ch. 346; [1960] 2 W.L.R. 278.

Duty of trustee. **Nizam of Hyderabad v. Jung,** C.A. [1957] Ch. 185; [1957] 2 W.L.R. 217.
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Trust for sale. *See* TRUST FOR SALE.

Trust fund

Conception as continuing entity

Cash payment subsequently invested—Truster's death within five years—Valuation for purposes of estate duty—Time—Customs and Inland Revenue Act, 1881, ss. 38 (2) (*a*), 39—Finance Act, 1894, s. 2 (1) (*c*).
Sneddon v. Lord Advocate, H.L.(Sc.) [1954] A.C. 257; [1954] 2 W.L.R. 211.

"Property taken." **Iveagh v. Inland Revenue Comrs.,** Upjohn J. [1954] Ch. 364; [1954] 2 W.L.R. 494.

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Accretion. *In re* **Rydon's Settlement,** C.A. [1955] Ch. 1; [1954] 3 W.L.R. 480.

Uncertainty, trust void for. (*See also* POWER OF APPOINTMENT; WILL (CONSTRUCTION).)

Discretionary trust

No limit of time—Imperative trust to distribute trust fund among objects of fund at such time or times as trustees thought fit—Objects of fund unascertainable—Invalidity of trust. **Innes v. Harrison,** Wynn-Parry J. [1954] 1 W.L.R. 668.

Trust during widowhood. *In re* **Allan, decd.,** Danckwerts J. [1958] 1 W.L.R. 220.

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Discretionary trust during widowhood. *In re* **Allan, decd.,** Danckwerts J. [1958] 1 W.L.R. 220.

Gift to persons employed or previously employed at certain date—Difficulty of ascertaining range of objects—Will—Residuary gift—Whether gift valid.
In re **Eden, decd.,** Wynn-Parry J. [1957] 1 W.L.R. 788.

Imperative trust to distribute income among specified class—Specified class unascertainable at any given time—Validity of trust.
Inland Revenue Comrs. v. Broadway Cottages Trust, Wynn-Parry J. [1954] 1 W.L.R. 659.
C.A. [1955] Ch. 20; [1954] 3 W.L.R. 438.

Power to make payments to or on behalf of company's "employees," "ex-employees," their "widows, infant children or other infant dependants" and "other dependant "relatives"—Power collateral—Provision for winding up of company—Power subsequently to purchase annuities for persons actually or potentially eligible—Ultimate trust of surplus for benefit of employees or ex-employees—Whether powers and trusts valid.
In re **Sayer,** Upjohn J. [1957] Ch. 423; [1957] 2 W.L.R. 261.

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In re **Shaw, decd.,** Harman J. [1957] 1 W.L.R. 729.

Unit trust

Right of unit holders to direct trustees

Accumulation. *In re* **A.E.G. Unit Trust (Managers) Ltd.'s Deed,** Wynn-Parry J. [1957] Ch. 415; [1957] 3 W.L.R. 95.

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Avoidance of tax—Supervening tax legislation—Finance Act, 1958, ss. 21, 22—Variation of Trusts Act, 1958, s. 1. *In re* **Clitheroe's Settlement Trusts,** Danckwerts J. [1959] 1 W.L.R. 1159.

Form of order—Effect of court's approval of arrangement—Whether direction to trustees necessary—Variation of Trusts Act, 1958, s. 1.
In re **Hambleden's Will Trusts,** Wynn-Parry J. [1960] 1 W.L.R. 82.

——— Variation not to be carried out immediately—Note of order to be indorsed on probate of will—Variation of Trusts Act, 1958.
In re **Joseph's Will Trusts,** Vaisey J. [1959] 1 W.L.R. 1019.

Mental defective beneficiary—Application to Court of Protection—Procedure—Variation of Trusts Act, 1958, s. 1 (3).
Practice Direction, Ct. of Protection [1960] 1 W.L.R. 17

Persons for whom court may approve arrangement—Interest of potential statutory next-of-kin of living person—Sui juris persons who might become entitled to interest at future date—Assumption that life tenant died at date of issue of summons—Whether future date fallen if death assumed—Whether order of court binding on potential statutory next-of-kin—Variation of Trusts Act, 1958, s. 1 (1) (*b*).
In re **Suffert's Settlement,** Buckley J. [1961] Ch. 1; [1960] 3 W.L.R. 796.

Powers of investment—Affidavit by stockbroker—Variation of Trusts Act, 1958, s. 1.
In re **Allen's Settlement Trusts,** Vaisey J. [1960] 1 W.L.R. 6.

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Variation (*Act of 1958*)—*continued.*

Powers of investment—Application for enlargement of trustees' powers of investment—Whether application under section 57 of Trustee Act, 1925, or section 1 of Variation of Trusts Act, 1958—Variation of investment clause—Form of order—Trustee Act, 1925, s. 57—Variation of Trusts Act, 1958, s. 1.
In re **Coates' Trusts,** Harman J. [1959] 1 W.L.R. 375.
In re **Byng's Will Trusts,** Vaisey J. [1959] 1 W.L.R. 375.

——— Application for variation of trustees' power of investment—Form of clause—Variation of Trusts Act, 1958, s. 1.
In re **Thompson's Will Trusts,** Cross J. [1960] 1 W.L.R. 1165.

Practice—Application for approval of variation of trust—What statements required in applicant's affidavit—Reasons—Variation of Trusts Act, 1958, s. 1 (1).
In re **Oakes' Settlement Trusts,** Vaisey J. [1959] 1 W.L.R. 502.

——— ——— Whether hearing should be in open court—Whether separate representation of all interests required—Variation of trust—Endorsement of order on probate or settlement—Variation of Trusts Act, 1958, s. 1.
In re **Chapman's Settlement Trusts (No. 2).** *In re* **Rouse's Will Trusts,** Vaisey J. [1959] 1 W.L.R. 372.

Protective trust—"Any person in respect of any discretionary interest of his"—Whether unborn and unascertained persons included—Whether arrangement must be for the benefit of unborn and unascertained persons—Variation of Trusts Act, 1958, s. 1.
In re **Turner's Will Trusts,** Danckwerts J. [1960] Ch. 122; [1959] 3 W.L.R. 498.

——— Exercise of power of appointment—Appointment to enable arrangement for division of trust fund—Intention to benefit appointees—Consequential benefit to appointor—Whether fraud on power—Whether court should approve arrangement—Variation of Trusts Act, 1958, s. 1.
In re **Robertson's Will Trusts,** Russell J. [1960] 1 W.L.R. 1050.

——— Opposition by trustees—Variation provided by sole beneficiary—"Arrangement"—Power of court to override discretion of trustees—Variation of Trusts Act, 1958, s. 1.
In re **Steed's Will Trusts,** Harman J. [1959] Ch. 354; [1959] 2 W.L.R. 470.
C.A. [1960] Ch. 407; [1960] 2 W.L.R. 474.

——— Protection of unborn persons—Judicial discretion—Trustee Act, 1925, s. 33; Variation of Trusts Act, 1958, s. 1 (1) (*d*).
In re **Poole's Settlements Trusts,** Roxburgh J. [1959] 1 W.L.R. 651.

Rectification of settlement—Fund divided in equal shares between son and daughter—Son absolutely entitled to share on attaining 30—Gift over to daughter's share should son die under 30—Income from daughter's share payable to daughter for life and after her death capital held on trust for her children—Omission to provide for children of son should son not attain 30—Omission not intended by settlor—Application for variation to rectify—Settlement—Whether for benefit of "any person unborn"—Variation of Trusts Act, 1958, s. 1. *In re* **Tinker's Settlement,** Russell J. [1960] 1 W.L.R. 1011.

Unlikely contingency—Rearrangement of beneficial interests—Not advantageous in certain unlikely contingency—Whether provision should be made to guard against that contingency—Variation of Trusts Act, 1958, s. 1.
In re **Cohen's Will Trusts,** Danckwerts J. [1959] 1 W.L.R. 865.

Alteration of rules. See CHARITY.

Jurisdiction of Chancery Division

Compromise—General jurisdiction to sanction.
In re **Blackwell's Settlement Trusts,** Roxburgh J. [1952] W.N. 429; [1952] 2 T.L.R. 489; [1952] 2 All E.R. 647.
C.A. [1953] Ch. 218; [1953] 2 W.L.R. 94.

——— Jurisdiction to sanction—Investment clause of an uncertain meaning—Proposal to substitute modern investment clause—Proposed new investment clause approved by beneficiaries—Whether a compromise of beneficial rights.
In re **Powell-Cotton's Resettlement,** C.A. [1956] 1 W.L.R. 23.

Compromise—Protected life interest—Construction summons—Decision of court of first instance that protected life interest not determinable—Appeal—Compromise of appeal—Jurisdiction of Court of Appeal to sanction compromise varying beneficial interests.
In re **Lord Hylton's Settlement,** C.A. [1954] 1 W.L.R. 1055.

Infant tenant in tail in remainder—Proposal that infant's entailed interest be sold to tenant for life and purchase price be paid to trustees of new settlement for the infant's benefit—Trustees Act, 1925, s. 53.
In re **Meux, decd.,** Wynn-Parry J. [1958] Ch. 154; [1957] 3 W.L.R. 377.

Modification of beneficial rights—Tax avoidance—Inherent equitable jurisdiction—Statutory jurisdiction—Settled Land Act, 1925, s. 64—Trustee Act, 1925, s. 57.
In re **Blackwell's Settlement Trusts,** C.A. [1953] Ch. 218; [1953] 2 W.L.R. 94.
Chapman v. Chapman, C.A. [1953] Ch. 218; [1953] 2 W.L.R. 94;
H.L.(E.) [1954] A.C. 429; [1954] 2 W.L.R. 723.
In re **Downshire Settled Estates** [1953] Ch. 218; [1953] 2 W.L.R. 94.

TRUSTS—*continued.*

Variation (*Jurisdiction of Chancery Division*)—*continued.*

Proposed sale of infant's reversionary interest in personal estate—Proposal beneficial to infant—Jurisdiction of court to sanction—Trustee Act, 1925 (15 & 16 Geo. 5, c. 19), s. 53. *In re* **Heyworth's Contingent Reversionary Interest,** Upjohn J. [1956] Ch. 364; [1956] 2 W.L.R. 1044.

Settlement of reversionary interest—Application for power of sale—Sale beneficial to settlement—Avoidance of death duties—No variation of trusts of settlement—Sale authorized—Trustee Act, 1925, s 57.
In re **Cockerell's Settlement Trusts,** Upjohn J. [1956] Ch. 372; [1956] 2 W.L.R. 1050.

Statutory jurisdiction—Contingent interests of infant beneficiaries mortgaged by orders of court—Scheme to clear incumbrances by dissolution of trust—Purchase by trustees of life tenant's interest an administrative matter—Trustee Act, 1925, s. 57.
In re **Forster's Settlement,** Harman J. [1954] 1 W.L.R. 1450.

Trust for sale of land—Settlement of income of trust fund consisting of real property held on trust for sale—Settlor's power to appoint settled share by will or codicil—Transaction proposed between beneficiaries to enable settlor to obtain capital—Applicability of section 64 of Settled Land Act, 1925, to trustees for sale—Whether transaction which court could sanction—Statutory jurisdiction—Law of Property Act, 1925, s. 28 (1)—Settled Land Act, 1925, s. 64.
In re **Simmons,** Danckwerts J. [1956] Ch. 125; [1956] 2 W.L.R. 16.

Powers of investment. (See also Act of 1958.)

Pending legislation—Interim order—Charity.
In re **Royal Naval and Royal Marine Children's Homes, Portsmouth,** Roxburgh J. [1959] 1 W.L.R. 755.

Permissible investments.
In re **Royal Society's Charitable Trusts** [1956] Ch. 87; [1955] 3 W.L.R. 342.

UGANDA

See Eastern Africa.

ULTRA VIRES

See By-Law; Company (**Powers**); Statute (**Dominion**); Statutory Instrument.

UNDUE INFLUENCE

Fiduciary relationship

Deed of gift

Principle applicable. **Antony v. Weerasekera,** J.C. [1953] 1 W.L.R. 1007.

Joint charitable motives

Sale of house for charity at excessive price—Vendor's duty of disclosure of all material facts—Equitable ground for relief.
Tufton v. Sperni, C.A. [1952] W.N. 439; [1952] 2 T.L.R. 516.

Voluntary settlement

Relationship of father and child

Settlement by daughter on obtaining majority—No independent advice—Father not actuated by any self-seeking motive—Father taking no interest in capital of settled fund.
Bullock v. Lloyds Bank Ld., Vaisey J. [1955] Ch. 317; [1955] 2 W.L.R. 1.

UNJUST ENRICHMENT

See Restitution.

USER OF LAND

Whether land "used"

Hospital

Adjacent virgin land owned by hospital with amenity value—Whether "used . . . for "the purposes" of the hospital—Local Government Act, 1919 (N.S.W.), s. 132 (1) (*d*).
Newcastle City Council v. Royal Newcastle Hospital, J.C. [1959] A.C. 248; [1959] 2 W.L.R. 476.

VAGRANCY

"Place of public resort"

Private place

"Being suspected persons frequenting a place of public resort"—Tattersall's—Vagrancy Act, 1824, s. 4. **Glynn v. Simmonds,** Divl.Ct. [1952] W.N. 289; [1952] 1 T.L.R. 1442; [1952] 2 All E.R. 47.

Prostitution

"In a street"

Soliciting from house, men passing in street—Whether soliciting "in a street"—Street Offences Act, 1959, s. 1 (1). **Smith v. Hughes,** Divl.Ct. [1960] 1 W.L.R. 830.

Indecent act in parked motor car

Whether an offence—Vagrancy Act, 1824, s. 3.
Carnill v. Edwards, Divl.Ct. [1953] 1 W.L.R. 290.

Living on the earnings of prostitution

Flats let at increased rents to individual prostitutes for the purposes of prostitution—Vagrancy Act, 1898, s. 1 (1). **Regina v. Silver,** C.C.C. [1956] 1 W.L.R. 281.

VAGRANCY—*continued.*

Prostitution (*Living on the earnings of prostitution*)—*continued.*

Money paid by men to hire-car driver for use of car as brothel—Money paid for use of house as brothel — No money paid by or to prostitutes — Vagrancy Act, 1898, s. 1 (1) (3), 7—Criminal Law Amendment Act, 1912, s. 7.
Calvert v. Mayes, Divl.Ct. [1954] 1 Q.B. 342; [1954] 2 W.L.R. 18.

Room let to prostitute at inflated rent—Room let for purposes of prostitution—Vagrancy Act, 1898, s. 1 (1). **Reg. v. Thomas,** C.C.A. [1957] 1 W.L.R. 747.

Sentence

Whether Borstal training appropriate sentence

Vagrancy Act, 1898, s. 4. **Reg. v. James,** C.C.A. [1960] 1 W.L.R. 812.

VENDOR AND PURCHASER. (*See also* BUILDING **(Contract)**.)

Bankruptcy of purchaser

Repudiation of contract.

Bankruptcy, act of. **Jennings Trustee v. King,** Harman J. [1952] Ch. 899; [1952] 2 I.L.R. 469; [1952] 2 All E.R. 608.

Business

Contract

Construction—Tax liability—Purchasers to indemnify vendor against all liabilities—Whether income tax and surtax included in indemnity.
In re **Hollebone's Agreement,** C.A. [1959] 1 W.L.R. 536.

Completion

Date of

Conditional agreement—Condition to be performed by date fixed for completion of sale—General principles applicable to performance of conditional contracts—Malaya.
Aberfoyle Plantations Ltd. v. Cheng, J.C. [1960] A.C. 115; [1959] 3 W.L.R. 1011.

Failure to complete on date fixed—Notice making time essence of contract and requiring completion within 28 days—Reasonableness—Validity—National Conditions of Sale, 16th ed., cond. 23 (1).
In re **Barr's Contract,** Danckwerts J. [1956] 1 W.L.R. 918.

Delay in completion

Deposit paid by purchaser of dwelling-house—Purchaser unable to complete on contract date—Unable to raise money—Vendor allowed two weeks' grace—Purchaser able to complete in four weeks—House sold in interim—Purchaser's claim to recover deposit—Whether time essence of contract.
Smith v. Hamilton, Harman J. [1951] Ch. 174.

Interest payable if purchase price unpaid on completion date—Purchaser in possession before completion—Purchase money paid into court—Liability to interest after lodgment.
Pearlberg v. May, Harman J. [1951] Ch. 104.
C.A. [1951] Ch. 699; [1951] 2 T.L.R. 1; [1951] 1 All E.R. 1001.

Debt

Discharge conditional on transfer of land

Not a " sale " of land. **Simpson v. Connolly,** Finnemore J. [1953] 1 W.L.R. 911.

Defective title

Right to rescind contract

Law Society's General Conditions of Sale—Power for vendor to rescind—Agreement for sale of unincumbered fee—Property subject to mortgages—Failure of vendor to obtain consent of mortgagees to sale before contract—Refusal of mortgagees to release security—Vendor not entitled to rescind. **Baines v. Tweddle,** C.A. [1959] 3 W.L.R. 291.

Vendor's title dependent on deed of gift within five years by living donor—Contingent liability to estate duty—Vendor's duty to secure at their expense a policy of insurance providing indemnity—Vendor's failure to fulfil duty within reasonable time -Purchaser's right to rescind.
Manning v. Turner, Chy.Ct. Lancaster County Palatine [1957] 1 W.L.R. 91.

Estate contract. *See* LAND REGISTRATION.

Forfeiture clause

Equitable relief

Sale of plant and machinery—Payment by instalments—Failure to complete payments—Time essence of the contract—Rescission clause—Forfeiture of instalments paid—Purchaser not ready and willing to complete—Whether forfeiture exaction of a penalty—Claim by purchaser to relief.
Stockloser v. Johnson, C.A. [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439.

Implied covenant

Indemnity as to vendor's liabilities. (*See also* **Business.**)

Liability not imposed by vendor.
Chivers & Sons Ld. v. Air Ministry, Wynn-Parry J. [1955] Ch. 585; [1955] 3 W.L.R. 154.

Warranty of fitness

Contract to purchase dwelling-house—Implied warranty—Purchase of bungalow in course of erection or to be erected—Cracks in walls appearing after completion—Caused by withdrawal of moisture from subsoil by roots of poplar trees—Not fit for habitation—Builder's obligation to provide proper foundations—National Conditions of Sale, 15th ed., 12 (3). **Jennings v. Tavener,** Jones J. [1955] 1 W.L.R. 932.

VENDOR AND PURCHASER—*continued.*

Innocent misrepresentation. *See* CONTRACT.

Lien of vendor

When charge arises

Contract to purchase dwelling-house—Death of purchaser before completion—Vendor's charge on estate for unpaid purchase money.
In re **Birmingham, decd.,** Upjohn J. [1959] Ch. 523; [1958] 3 W.L.R. 10.

Matrimonial home, sale of. *See* HUSBAND AND WIFE.

Memorandum in writing

Contract to sell undivided share in land

Contract between legal joint tenants—Whether memorandum in writing required—"Interest in land"—Meaning—Law of Property Act, 1925, ss. 40 (1), 205 (1) (*ix*) (*x*).
Cooper v. Critchley, C.A. [1955] Ch. 431; [1955] 2 W.L.R. 510.

Estate agent's commission

Contract for sale—Absence of writing—Law of Property Act, 1925, s. 40.
Christie, Owen and Davies Ltd. v. Stockton, Slade J. [1953] 1 W.L.R. 1353.

Offer in writing

Loss of letter of acceptance—Law of Property Act, 1925, s. 40 (1).
Parker v. Clark, Devlin J. [1960] 1 W.L.R. 286.

Sale by public auction

Date for completion inserted before sale—Vendor's initials and surname inserted by auctioneer also before sale—Purchaser's name added by auctioneer after sale—Signature over stamp by purchaser after sale at auctioneer's request—Allegation by vendor of no contract—Law of Property Act, 1925, s. 40.
Leeman v. Stocks, Roxburgh J. [1951] Ch. 941; [1951] 2 T.L.R. 622; [1951] 1 All E.R. 1043.

Two documents

Cheque and receipt—Cheque signed "by the party to be charged"—Terms of agreement in receipt—Cheque payable to vendor's solicitors—Receipt subsequent in time to cheque—Agreement to sell freehold—Freehold subject to lease—No mention of leasehold in receipt—Nothing to connect cheque with receipt—Sufficiency of memorandum—Law of Property Act, 1925, s. 40.
Timmins v. Moreland Street Property Co. Ltd., C.A. [1958] Ch. 110; [1957] 3 W.L.R. 678.

Document recording sale signed by vendor only—Construction—Validity—Material term omitted—Law of Property Act, 1925, s. 40.
Burgess v. Cox, Harman J. [1951] Ch. 383; [1951] 1 T.L.R. 531.

Negotiations subject to contract

Agreement to alter premises

Negotiations abortive—Claim for cost of alterations—Claim implied in law—Restitution.
Brewer Street Investments Ld. v. Barclays Woollen Co. Ld., C.A. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869.

Parcels. (*See also* LANDLORD AND TENANT.)

Boundary

Ill-defined boundary—Inference of straight line—Agreement by adjoining landowners as to position of boundary—Whether successors in title bound—Estoppel—The subsequent conveyance—Parcels as previously described—Construction.
Hopgood v. Brown, C.A. [1955] 1 W.L.R. 213.

Ordnance survey—Boundary hedge—Line denotes centre of hedge.
Davey v. Harrow Corporation, C.A. [1958] 1 Q.B. 60; [1957] 2 W.L.R. 941.

Projections

Projecting footings or eaves—"All that land dwelling-house (etc.) situate in East Street ". . . and delineated and coloured pink . . . on the plan attached hereto"—Footings of side wall projecting beyond coloured boundary—Whether footings included in conveyance.
Truckell v. Stock, C.A. [1957] 1 W.L.R. 161.

Priorities

Contracts to sell mortgaged land

Fee simple in mortgagees—Priority between purchasers—Equitable doctrine of conversion—Right to "call for" title deeds—Qui prior est tempore potior est jure.
Assaf v. Fuwa, J.C. [1955] A.C. 215; [1954] 3 W.L.R. 552.

Purchaser for value without notice

Tenant in possession

Equities binding purchaser—Rectification—Sale at auction of farm occupied by tenant—Mutual mistake of vendors and tenant as to effect of repairing covenant—Claim by tenant against purchaser to rectify tenancy agreement—Whether purchaser affected by notice of equity to rectify—Law of Property Act, 1925, s. 199 (1).
Smith v. Jones, Upjohn J. [1954] 1 W.L.R. 1089.

Purchaser's interest before completion

Requisitioned premises

Compensation on derequisitioning payable to "owner" at date of derequisitioning—Contract of sale at that date — Completion — Claim by purchaser — Whether vendor a

VENDOR AND PURCHASER—*continued.*

Purchaser's interest before completion (*Requisitioned premises*)—*continued.*

constructive trustee for purchaser of compensation money—Compensation (Defence) Act, 1939, ss. 1 (1), 2 (1) (*b*), (3), 17 (1).
In re **Hamilton-Snowball's Conveyance,** Upjohn J. [1959] Ch. 308; [1958] 2 W.L.R. 951.

Rectification. *See* RECTIFICATION.

Rent-restricted property

Contract to purchase dwelling-house by statutory tenant

Status of purchaser pending completion—Whether statutory tenancy surrendered—Express preservation of existing tenancy—Intention of parties.
Nightingale v. Courtney, C.A. [1954] 1 Q.B. 399; [1954] 2 W.L.R. 266.

Reletting

Surrender of tenancy between contract and completion—Duty of vendor not to relet without consulting purchaser—Indian Transfer of Property Act (IV of 1882), s. 55 (1) (*e*)—English principles applicable.
Abdulla v. Shah, J.C. [1959] A.C. 124; [1959] 2 W.L.R. 12.

Rent

Sale subject to weekly tenancies at specified rents—Tenancies subject to Rent Restriction Acts—No warranty that rents lawfully recoverable—Implied term.
Schlisselman v. Rubin, Slade J. [1951] W.N. 530.

Repudiation of contract. *See* **Bankruptcy.**

Restraint of trade. *See* RESTRAINT OF TRADE.

Specific performance

Contracting out of right

Clause in contract fixing liquidated damages for failure to complete.
Abdeen v. Thaheer, J.C. [1958] A.C. 116; [1958] 2 W.L.R. 350.

Costs

Time not of essence of contract—Completion out of time—Issue of writ by purchaser just before completion—Costs subsequent to issue of writ—Equitable right to specific performance—Whether purchaser entitled to costs.
Marks v. Lilley, Vaisey J. [1959] 1 W.L.R. 749.

Damages. See DAMAGES.

Error in particulars

Misstatement as to area of property—Whether substantial and prejudicial—Clause excluding compensation—Law Society's Conditions of Sale, 1953, condition 35.
Watson v. Turner, Wynn-Parry J. [1957] 1 W.L.R. 19.

Laches. See LACHES.

Premature action

Signed contract for sale of land—Immediate repudiation by vendor—Claim by purchaser, before date fixed for completion, for order for specific performance—Principles applicable—Form of order.
Hasham v. Zenab, J.C. [1960] A.C. 316; [1960] 2 W.L.R. 374.

Proof of title

Action for—Plaintiff's title derived from will containing latent ambiguity—Whether extrinsic evidence admissible in specific performance action.
Wilson v. Thomas, Roxburgh J. [1958] 1 W.L.R. 422.

Uncertainty of agreement

Agreement to share land to be sold at auction.
Pallant v. Morgan, Harman J. [1953] Ch. 43; [1952] 2 T.L.R. 813; [1952] 2 All E.R. 951.

Warranty

Honest belief

Inquiry before contract whether premises had suffered war damage—Repeated as requisition—Whether warranty. **Mahon v. Ainscough,** C.A. [1952] W.N. 68; [1952] 1 All E.R. 337.

VETERINARY SURGEON

Council of Royal College of Veterinary Surgeons

Appeal from

Rehearing—Findings of council equivalent to findings of judge on appeal to Court of Appeal—Veterinary Surgeons Act, 1948, s. 6 (5)—R.S.C., Ord. 59, r. 38.
Allender v. Royal College of Veterinary Surgeons, Divl.Ct. [1951] W.N. 527; [1951] 2 T.L.R. 872; [1951] 2 All E.R. 859.

VEXATIOUS LITIGANT. *See* PRACTICE.

VICARIOUS LIABILITY

Agency. (*See also* **Company; Delegate;** FRAUD.)

Negligence

Motor-car—Accident—Servant in control of car for purposes of employment—Driven by third party over whom servant had right of control—Vicarious liability of master—Ceylon. **Trust Co. Ld. v. T. H. I. de Silva,** J.C. [1956] 1 W.L.R. 376.

VICARIOUS LIABILITY—*continued.*

Agency (*Negligence*)—*continued.*

Motor-car—Driven by friend of owner—Accident—Car driven at owner's request—Mutual purpose—Negligence of car driver—Responsibility of owner.
Ormrod v. Crosville Motor Services Ld. Murphie, Third Party, Devlin J. [1953] 1 W.L.R. 409. C.A. [1953] 1 W.L.R. 1120.

Common employment. *See* NEGLIGENCE.

Company

Fraud

Sale of shares—Fraud of directors—Whether shareholders vicariously liable to purchaser.
Briess v. Woolley, C.A. [1953] 2 Q.B. 218; [1953] 2 W.L.R. 608; H.L.(E.) [1954] A.C. 333; [1954] 2 W.L.R. 832.

Contempt of court. *See* CONTEMPT.

Criminal law. *See* CRIME.

Delegate or independent operator

Specialised work

Liability of principal in contract or tort for due care—Whether liable for negligence of independent contractor.
Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd., C.A. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 86.

Fraud. *See* FRAUD.

Hospital. *See* NEGLIGENCE.

Master and servant

Common employment. See NEGLIGENCE.

Course of employment. (*See also Unauthorised act.*)

Accident while employee on way to collect wages—Actual manual work completed—In course of employment.
Staton v. National Coal Board, Finnemore J. [1957] 1 W.L.R. 893.

Accident while lorry driver crossing road for refreshment during break in journey—Liability of master. **Crook v. Derbyshire Stone Ltd.,** Pilcher J. [1956] 1 W.L.R. 432.

Free lift—Various contractors working at airport—Service of lorries operated by one for own workmen—Drivers forbidden to carry employees of others—Prohibition ignored—Accident to workman through driver's negligence—Whether workman trespasser—Whether contractor liable.
Conway v. George Wimpey & Co. Ltd., C.A. [1951] 2 K.B. 266; [1951] 1 T.L.R. 587; [1951] 1 All E.R. 363.

——— Workman's contract to make his own way home after work—Consent by his foreman and driver of employers' lorry that workman should be carried homewards on lorry—Consent within ostensible authority of foreman—Not authorised by employers—Workman injured by driver's negligence—Whether driver acting in course of employment. **Young v. Edward Box & Co. Ltd.,** C.A. [1951] 1 T.L.R. 789.

Injury to servant through negligence of fellow-servant—Motor-cycle belonging to fellow-servant authorized and only practical method of transport—Accident while travelling for meal—Whether journey in course of employment.
Harvey v. R. G. O'Dell Ltd., McNair J. [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473.

Statutory duty—Carrying out employment in wrong way.
National Coal Board v. England, C.A. [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; H.L.(E.) [1954] A.C. 403; [1954] 2 W.L.R. 400.

Employment of servant of another. See MASTER AND SERVANT.

Fraud

Carriage of goods—Ordinary carrier—Conversion—Liability of master for theft by servant—In course of employment.
United Africa Co. Ld. v. Saka Owoade, J.C. [1955] A.C. 130; [1955] 2 W.L.R. 13.

Hospital. See NEGLIGENCE.

Husband and wife

Wife injured by husband's negligence in course of employment—Liability of husband's employer.
Broom v. Morgan, Lord Goddard C.J. [1952] 2 T.L.R. 904; [1952] 2 All E.R. 1007. C.A. [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737.

Indemnity or contribution from servant

Injury to fellow-servant by negligent driving of motor-vehicle by servant—Damages and costs awarded against master—Whether implied contract by servant to indemnify master—Master's right to contribution or indemnity under Act of 1935—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (2).
Lister v. Romford Ice and Cold Storage Co. Ld., C.A. [1956] 2 Q.B. 180; [1955] 3 W.L.R. 631. H.L.(E.) [1957] A.C. 555; [1957] 2 W.L.R. 158.

——————————— Motor-cycle combination belonging to storekeeper made available for employers' business—Whether implied term to drive with reasonable skill and care in storekeeper's contract of employment.
Harvey v. R. G. O'Dell Ltd., McNair J. [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473.

VICARIOUS LIABILITY—*continued.*

Master and servant (*Indemnity or contribution from servant*)—*continued.*

Servant required to drive motor-vehicle on highway—Motor insurance—Policy to indemnify servant—No implied term—Road Traffic Act, 1930, s. 35 (1).
Semtex Ld. v. Gladstone, Finnemore J. [1954] 1 W.L.R. 945.

Unauthorized act. (*See also Course of employment.*)

Garage hand employed to move cars by hand—Car driven by him on to highway causing accident—Accident in course of employment—Unauthorized mode of doing authorized act—Liability of master. **London County Council v. Cattermoles (Garages) Ltd.,** C.A. [1953] 1 W.L.R. 997.

Mine—Shotfirer—Breach of statutory duty and negligence—Liability of mine-owner.
National Coal Board v. England, C.A. [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; H.L.(E.) [1954] A.C. 403; [1954] 2 W.L.R. 400.

Trade dispute

Picketing

Whether pickets servants of individual members of executive committee.
Bird v. O'Neal, J.C. [1960] A.C. 907; [1960] 3 W.L.R. 584.

VOID OR VOIDABLE

Administrative order

Mental deficiency

Detention order—Not supported by the medical certificates.
Director of Public Prosecutions v. Head, C.C.A. [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862. H.L.(E.) [1959] A.C. 83; [1958] 2 W.L.R. 617.

VOLENTI NON FIT INJURIA. (*See also* SPORT.)

Animal

Ferae naturae

Midget injured when booth in fun fair knocked down by elephant—Knowledge by midgets that elephants passing booth—Applicability of maxim.
Behrens v. Bertram Mills Circus Ltd. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404.

Fireman

Necessary risk

Object of saving life or limb justifying taking of abnormal risks—Standard of duty of employers. **Watt v. Hertfordshire County Council,** Barry J. [1954] 1 W.L.R. 208; C.A. [1954] 1 W.L.R. 835.

Licensee

Negligence

Licensee injured by train in railway tunnel owned by occupiers of land—Train driver negligent—Right of action not barred by licensee's knowledge of danger—Volenti non fit injuria not applicable.
Slater v. Clay Cross Co. Ltd., C.A. [1956] 2 Q.B. 264; [1956] 3 W.L.R. 232.

Shipping

Unsafe port

Charterers' nomination of unsafe loading place—Damage to ship—Master not negligent—Damage natural and probable consequence of charterers' breach of warranty of safety. **Compania Naviera Maropan S/A v. Bowaters Lloyd Pulp and Paper Mills Ld.**
Devlin J. [1955] 2 Q.B. 68; [1954] 3 W.L.R. 894.
C.A. [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998.

WAGER

See GAMING.

WAGES. (*See also* CATERING WAGES; MASTER AND SERVANT.)

Wages Council

Information

Sufficiency—Failure to pay " statutory minimum remuneration . . . contrary to section " 11 of the Wages Councils Act, 1945 "—Complexity of Order laying down statutory minimum remuneration—Insufficient information as to nature of charge—Wages Councils Act, 1945, s. 11—Milk Distributive Wages Council (England and Wales) Wages Regulation Order, 1952, Sch.—Magistrates' Courts Rules, 1952, r. 77.
Stephenson v. Johnson, Divl.Ct. [1954] 1 W.L.R. 375.

WAIVER. (*See also* ACQUIESCENCE.)

Landlord and tenant

Covenant

Breach—Agricultural holding—Tenants' covenant to inhabit farm—Death of tenant—Liability of trustees of will—Acquiescence in one trustee only inhabiting farm—Effect.
Lloyds Bank Ld. v. Jones, C.A. [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5.

——— Covenant to use as business premises only.
City and Westminster Properties (1934) Ltd. v. Mudd, Harman J. [1959] Ch. 129; [1958] 3 W.L.R. 312.

Sovereign immunity. *See* CONFLICT OF LAWS.

WAR

See INTERNATIONAL LAW; TRADING WITH THE ENEMY.

WAR DAMAGE

Business insurance scheme

" Goods "

Working drawings used in manufacture—Excluded as " documents owned for the purposes " of a business "—War Damage Act, 1943, ss. 84 (1), 104.
J. H. Tucker & Co. Ld. v. Board of Trade, Vaisey J. [1955] 1 W.L.R. 655.

Compensation. *See* CAPITAL OR INCOME (**Settlement**).

Compulsory purchase. *See* COMPULSORY PURCHASE (**Compensation**).

Cost of works payment

" Made good " damage

Such payments determined in respect of damage to separate hereditaments—Redevelopment of sites by construction of two large new buildings—Whether such redevelopment " making good " the damage—War Damage Act, 1943, s. 8 (2) (3).
City of London Real Property Co. Ltd. v. War Damage Commission,
Vaisey J. [1956] Ch. 607; [1956] 3 W.L.R. 615.
C.A. [1957] Ch. 274; [1957] 2 W.L.R. 379.

Preparatory remedial work

Amount payable by War Damage Commission—War damage confined to front wall of house—Rebuilding of flank walls prior to rebuilding of front wall required by district surveyor pursuant to provisions of by-laws and London Building Acts—Whether cost of reinstating flank walls formed part of proper cost of works payable by commission—War Damage Act, 1943, s. 8.
In re **34, Bruton Street, Westminster,** Vaisey J. [1956] 1 W.L.R. 1477.
C.A. [1957] Ch. 543; [1957] 3 W.L.R. 80.

Total loss

Discretion to make cost of works payment exercised—Decision communicated to landowner—Damage not made good—Compulsory purchase—Whether decision binding—War Damage Act, 1943, ss. 8, 20 (1).
Paddington Borough Council v. War Damage Commission, C.A. [1957] 1 Q.B. 294; [1956] 3 W.L.R. 911.

Income tax

Value payments

Property dealing company—Whether profits or gains for income tax purposes—Income Tax Act, 1918, Sch. D—Case I—War Damage Act, 1943, ss. 36, 66, 79—War Damage (Public Utility Undertakings, etc.) Act, 1949, s. 28 (1) (4).
London Investment and Mortgage Co. Ltd. v. Inland Revenue Comrs.,
Upjohn J. [1956] 1 W.L.R. 858.
C.A. [1957] 1 W.L.R. 116.

Landlord and tenant

Notice of retention

Lease of commercial property—Property totally destroyed by enemy action—Permission to rebuild refused—Notice to purchase served by lessees on corporation approved—Notice of retention of lease served by lessees on freeholders at instigation of corporation—Lease subsequently assigned to corporation—Effect of notice of retention—Landlord and Tenant (War Damage) Act, 1939, s. 10 (1) (*a*) (*b*).
Cusack-Smith v. London Corporation, Stable J. [1956] 1 W.L.R. 1368.

Value payments. See **Income tax.**

Scotland. *See* SCOTLAND.

Value payment

Interest

Repeated damage to same hereditament—Not total loss—Intended rebuilding not in original form—Value payment—Date from when interest payable—War Damage Act, 1943, ss. 10 (2) (5), 11 (1), 13 (1) (*b*), 16 (1) (2) (4)—War Damage (Increase of Value Payments) Order, 1947.
In re **102–107 Fetter Lane, London. Solicitors' Law Stationery Society Ltd. v. War Damage Commission,** Vaisey J. [1951] Ch. 20.

War Damage Commission

Determination by

Notification stating that preliminary classification had been reviewed—Determination—Whether public body entitled to withdraw a decision or determination—Estoppel—War Damage Act, 1943, s. 7 (1).
In re **56 Denton Road, Twickenham,** Vaisey J. [1953] Ch. 51; [1952] 2 T.L.R. 676; [1952] 2 All E.R. 799.

Nature

Whether commission a body different from the aggregate of its members—Whether commission a " public office " within Income Tax Act, 1918, Sch. C. fourth r. 1.
Inland Revenue Comrs. v. Bew Estates Ltd.,
Roxburgh J. [1956] Ch. 407; [1956] 3 W.L.R. 139.

WARRANT. *See* JUSTICES.

WARRANTY. *See* CONTRACT; HIRE-PURCHASE; INSURANCE; SALE OF GOODS; VENDOR AND PURCHASER; WORK AND LABOUR.

WATER RATE

See Rates and Rating.

WEIGHTS AND MEASURES

Act or default of third party

Import brokers

Sale of imported tinned food—Underweight tins sold retail—Whether sale " due to act or default " of import brokers—Brokers not " sellers "—" For account of our principals " —Pre-packed Food (Weights and Measures: Marking) Order, 1950, art. 6 (1), (3).
Lester v. Balfour Williamson Merchant Shippers Ld., Divl.Ct. [1953] 2 Q.B. 168; [1953] 2 W.L.R. 1068.

" Actual offender "

Company

Conviction of a company—Liability of manager—Sale of Food (Weights and Measures) Act, 1926, ss. 4 (2), 12 (5).
Melias Ltd. v. Preston, Divl.Ct. [1957] 2 Q.B. 380; [1957] 3 W.L.R. 42.

Bread. *See* Food and Drugs.

Coal

Exposure for sale

Deficiency in sacks of labelled weights—Larceny by sellers' servant—Whether coal exposed by servant for sale exposed for sale by master—Whether mens rea necessary —Weights and Measures Act, 1889, s. 29 (2).
Winter v. Hinckley and District Industrial Co-operative Society Ltd., Divl.Ct. [1959] 1 W.L.R. 182.

WEST AFRICA

Appeal to Privy Council

Jurisdiction

Costs—Competency—Petition for dismissal—Appeal on costs only—Incompetent—" Matter " in dispute "—Special leave—West African (Appeal to Privy Council) Order in Council, 1949–50, art. (3) (*a*) (*b*).
Karikari v. Agyekum II, J.C. [1955] A.C. 640; [1955] 3 W.L.R. 125.

Contempt of criminal nature—" Conviction "—West African Court of Appeal Ordinance, Laws of Nigeria, 1948 Rev., c. 229, s. 10. **Izuora v. The Queen,** J.C. [1953] A.C. 327; [1953] 2 W.L.R. 700.

Contempt of court

Counsel

Absence from court in disregard of direction to attend—Discourtesy—Not a contempt.
Izuora v. The Queen, J.C. [1953] A.C. 327; [1953] 2 W.L.R. 700.

Criminal law

Appeal

Grounds—" That judgment against weight of evidence "—Inaccurate phrase—Strict compliance with statutory language essential—That " verdict . . . is unreasonable or " cannot be supported having regard to the evidence "—West African Court of Appeal Ordinance (Laws of Nigeria, 1948, c. 229), ss. 10, 11 (1).
Aladesuru v. The Queen, J.C. [1956] A.C. 49; [1955] 3 W.L.R. 515.

Jurisdiction

Prohibited goods brought to premises for purpose of being exported—Intention to export abandoned—Liability—Jurisdiction to try suit without pleadings—Import, Export and Customs Powers (Defence) Ordinance, No. 29 of 1939, s. 5 (1) (*b*)—Export (Restriction) Order, No. 35 of 1940, s. 1—Customs Ordinance (Gold Coast, 1936 Rev., c. 132), s. 145 (1) (3)—Courts Ordinance (Gold Coast, 1936 Rev., c. 4), Sch. 3, Ord. 25, r. 1.
Aboul Rachanan Tamim v. Comptroller of Customs, J.C. [1951] A.C. 618.

Ghana

Execution

Ghana Supreme Court (Civil Procedure) Rules, 1954, Ord. 43, rr. 7, 11.
Ghana Commercial Bank v. Chandiram [1960] A.C. 732; [1960] 3 W.L.R. 328.

Gold Coast. (*See also* **Ghana.**)

Concession, application for

Timber lands—Failure to comply with imperative statutory requirements for protection of grantor—Concession invalid—Laws of the Gold Coast (1951 Ed., c. 136), ss. 12 (2) (3) (4), 13 (11). **Edward Ramia Ltd. v. African Woods Ltd.,** J.C. [1960] 1 W.L.R. 86.

Estoppel by conduct

Standing by judicial proceedings—Rival claims to stool lands—Previous suits between parties' subordinates in same interest—Knowingly standing by—Estopped by conduct from litigating same issue.
Nana Ofori Atta II v. Nana Abu Bonsra II, J.C. [1958] 1 Q.B. 95; [1957] 3 W.L.R. 830.

Jurisdiction

Chief Commissioner's Court—Commissioner's appointment rescinded—Judgment delivered without jurisdiction—Nullity—Subsequent appointment—Review—Second judgment in identical terms—Not a nullity—" Judgment "—Inherent power to set aside judgment delivered without jurisdiction—Courts Ordinance (Laws of the Gold Coast, 1936, c. 4), s. 63; Sched. III, Ord. 41, rr. 1, 2.
Kofi Forfie v. Seifah, J.C. [1958] A.C. 59; [1958] 2 W.L.R. 52.

WEST AFRICA—*continued.*

Gold Coast (*Jurisdiction*)—*continued.*

Claims in respect of debt or liability against specified Stools—Certificate of Governor in Council—" The amount which ought to be paid "—Reference re whole question of liability and not merely quantum—Asamangkese Division Regulation Ordinance. 1935 (Laws of Gold Coast, 1936 Rev., c. 78) (as amended by Asamangkese Division Regulation (Amendment) Ordinance, No. 5 of 1945 (Gold Coast), s. 2 (*b*)), s. 6 (2).
Ababio v. Turkson, J.C. [1954] 1 W.L.R. 509.

" Land cause "—Suit by children of " six-cloth " marriages—For determination of share in, and distribution of, estate of deceased father—Ga native customary law—" Succession " the real issue—Not a " land cause or matter "—No jurisdiction in Land Court to entertain appeal from decision of Native Court B—Native Courts (Colony) Ordinance, 1945, ss. 13, 46.
Vanderpuye v. Botchway, J.C. [1956] A.C. 501; [1956] 2 W.L.R. 1080.

Lands Division of the Supreme Court—Transferred case—Power to amend pleadings—Native Administration (Colony) Ordinance (Laws of the Gold Coast, 1936 Rev., c. 76), s. 75. **Kwasi v. Twum,** J.C. [1953] 1 W.L.R. 1434.

Native courts—Native Courts (Colony) Procedure Regulations, No. 10 of 1945, reg. 40—Native Courts (Colony) Ordinance, No. 22 of 1944, s. 3.
Kwasi v. Larbi, J.C. [1953] A.C. 164.

Suit relating to land—Supreme Court—Concurrent jurisdiction with Native Courts—Consent order—" Judgment "—Execution—Discretion—No power to review consent order—Native Courts (Ashanti) Ordinance (Laws of the Gold Coast, 1936 Rev., c. 80), ss. 7, 35; 1st Sch.—Courts Ordinance (Gold Coast) (Laws of the Gold Coast, 1936, Rev., c. 4), ss. 14, 17 (*b*); 3rd Sch., Ords. 41, r. 1, 43, r. 26.
Anima v. Akwasi Ahyeye, J.C. [1956] A.C. 404; [1956] 2 W.L.R. 299.

Native customary law

Elders—Proceedings in nature of arbitration. **Kwasi v. Larbi,** J.C. [1953] A.C. 164.

Laches

Immovable property

Sale by auction—Action to set aside sale—Case struck out—Application to re-list—Discretion—Relevant factors—Inadequate explanation of undue delay—Position of bona fide purchaser for value—" Balance of justice."
Agbeyegbe v. Ikomi, J.C. [1953] 1 W.L.R. 263.

Land

Claim to declaration of title

Proof by traditional evidence—Point of law not taken below—Exception to rule as to concurrent findings of fact. **Stool of Abinabina v. Chief Kojo Enyimadu,** J.C. [1953] A.C. 207; [1953] 2 W.L.R. 261.

Evidence

Conflicting traditional evidence—Demeanour of witnesses little guide to truth—Traditional history to be tested by recent facts established by evidence—Duty of appellate court. **Adjeibi Kojo II v. Bonsie,** J.C. [1957] 1 W.L.R. 1223.

Loans

Security

Used motor-vehicles—Priorities—" Sale " defined as " any transfer "—Mortgage not a sale—Possession of mortgagor—Not " on account of, or in trust for " mortgagee—Unregistered equitable mortgage of land—Ineffective—Defence (Control of Transfer of Used Motor-Vehicles) Order, 1943, as amended by Defence (Control of Transfer of Used Motor-Vehicles) (Amendment) Order, 1944, paras. 2, 3—Kumasi Lands Ordinance, No. 17 of 1943, s. 22 (1)—Supreme Court Rules, Gold Coast (c. 4 of Laws of Gold Coast, 1936, Sch. III) Ord. 44, r. 25 (1). **F. & M. Khoury v. Azar,** J.C. [1953] 1 W.L.R. 21.

Nigeria

Chief

Appointment—Appointment and Deposition of Chiefs Ordinance, 1948, c. 12 of Nigeria (No. 14 of 1930 as amended by No. 20 of 1945), s. 2 (1) (2).
Memudu Lagunju v. Olubadan-in-Council, J.C. [1952] A.C. 387; [1952] 1 T.L.R. 1297.

Company

Winding up—Voluntary—Proposed reconstruction—One-man company—Nominee liquidator—Order for compulsory winding up—Evidence of creditors shut out—Discretion not properly exercised—Companies Ordinance (Laws of Nigeria, 1948, c. 38), ss. 132 (2), 140.
Adebayo v. Official Receiver of Nigeria, J.C. [1954] 1 W.L.R. 681.

Exchange control

Prohibition of export of notes of foreign legal tender—Whether notes legal tender—Expert evidence on foreign law—Competence of experienced bank manager—" Specially skilled "—Exchange Control Ordinance, No. 35 of 1950 (Nigeria) s. 22 (1).
Ajami v. Comptroller of Customs, J.C. [1954] 1 W.L.R. 1405.

Jurisdiction

Claim to ownership of land—Not a claim to fix boundaries—Jurisdiction of Supreme Court—Not ousted by Inter-Tribal Boundaries Settlement Ordinance (No. 49 of 1933) (Laws of Nigeria, 1948, c. 95), ss. 3, 4 and 5.
Eke Oja v. Kanu Ukpai, J.C. [1958] 1 W.L.R. 151.

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Land

Ownership—Statutory transfer of land to Crown—Subsequent abandonment under statute as amended—Effect—Title to ownership reverting to original owners—Usufructuary and occupancy rights intermediately acquired not affected—To be decided in independent proceedings—Declaration and injunction—Desirability of formal order embodying precise language of relief granted—Niger Lands Transfer Ordinance, 1916, c. 86 (as amended by Ordinances Nos. 22 and 61 of 1945), s. 14 (now s. 15 of c. 149 of the Laws of Nigeria, 1948 Rev.). **Kodilinye v. Anatogu,** J.C. [1955] 1 W.L.R. 231.

Treaty of cession—Lagos—Grant of Iga Idunganran (royal palace) to Oba Docemo, his heirs, etc., for ever—Nature of estate granted—English conceptions of absolute title inapplicable—Iga the official residence of reigning Oba—Grant subject to right of succeeding Oba under native law and custom to occupy the Iga—Crown Grants (Township of Lagos) Ordinance, No. 18 of 1947, recital; s. 3.
Adeyinka Oyekan v. Musendiku Adele, J.C. [1957] 1 W.L.R. 876.

Moneylender

Non-compliance with statutory requirements—Unenforceable transaction—Loan—Security by way of mortgage of property—Borrower entitled to recover possession of property without repaying outstanding balance of loan—" Not to be entitled to enforce any " claim in respect of any transaction "—Construction—Moneylenders Ordinance (Consolidated Ordinances of Nigeria, c. 136), s. 19.
Kasumu v. Baba-Egbe, J.C. [1956] A.C. 539; [1956] 3 W.L.R. 575.

Succession

Intestacy—Child of marriage under Marriage Ordinance, 1884—Polygamous marriages—In accordance with native law and custom—Right of issue to succeed on intestacy—Applicability of law of England—Marriage Ordinance, No. 14 of 1884 (Lagos), s. 41—Statute of Distribution, 1670 (22 & 23 Car. 2, c. 10).
Bamgbose v. Daniel, J.C. [1955] A.C. 107; [1954] 3 W.L.R. 561.

Sierra Leone

Criminal law

Conspiracy—To accuse of a crime—Proof of falsity of belief essential—Assessor—Interested in or connected with subject-matter of proceedings or parties—Right of objection. **Conteh v. The Queen,** J.C. [1956] A.C. 158; [1956] 2 W.L.R. 277.

Vendor and purchaser

Priorities

Contracts to sell mortgaged land—Fee simple in mortgagees—Priority between purchasers—Equitable doctrine of conversion—Right to " call for " title deeds—Qui prior est tempore potior est jure. **Assaf v. Fuwa,** J.C. [1955] A.C. 215; [1954] 3 W.L.R. 552.

Vicarious liability

Master and servant

Fraud—Carriage of goods—Ordinary carrier—Conversion—Liability of master for theft by servant—In course of employment.
United Africa Co. Ld. v. Saka Owoade, J.C. [1955] A.C. 130; [1955] 2 W.L.R. 13.

Will

Blind testator

Whether " by what appears on the face of the will . . . he had . . . knowledge of its " contents "—Court entitled to take cognizance of elaborate provisions of will—Courts Ordinance, Laws of the Gold Coast, 1936 Rev., c. 4, Sch. 3, Ord. 49, r. 29.
Christian (orse. Ampah) v. Intsiful, J.C. [1954] 1 W.L.R. 253.

WEST INDIES. (*See also* BARBADOS; BERMUDA; JAMAICA; TRINIDAD.)

British Guiana

Practice

Parties—Joinder—Claim against occupier to praedial servitude—Counterclaim—Owner of servient tenement not a party—Substantial issue between parties—Action not fundamentally bad—Joinder of owner—Powers of court—British Guiana Rules of Court, 1900, Ord. XIV, rr. 13, 14, 15—West Indian Court of Appeal Rules, 1945, rr. 16 (1), 5 (1)—R.S.C., Ord. 16, rr. 11, 12, 13.
Hanoman v. Rose, J.C. [1955] A.C. 154; [1955] 2 W.L.R. 53.

WILL. (*See also* ADMINISTRATION OF ESTATES; EXECUTOR AND ADMINISTRATOR; PROBATE; TRUSTS.)

Ademption. (*See also* **Election.**)

Bank account

Gift of " my bank deposit at the M. Bank "—Whether applicable to savings certificates and bonds—Current account—Balance withdrawn during testator's last illness.
In re **Heilbronner, decd.,** Roxburgh J. [1953] 1 W.L.R. 1254.

Attestation. (*See also* **Signature.**)

Acknowledgment of signature

Subscription by one witness before acknowledgment of signature by testatrix to second witness—Wills Act, 1837, s. 9.
In the Estate of Davies, Morris J. (Gloucester Assizes) [1951] 1 All E.R. 920.

WILL—*continued.*

Attestation—*continued.*

Proof

Signatures on back of will—Omnia praesumuntur rite esse acta. **In the Estate of Denning, decd.,** Sachs J. [1958] 1 W.L.R. 462.

Trustee

Provisions in will for remuneration of trustee and solicitor—Attesting witness subsequently appointed trustee—Whether entitled to remuneration—Wills Act, 1837, s. 15. *In re* **Royce's Will Trusts,** Wynn-Parry J. [1959] Ch. 191; [1958] 3 W.L.R. 676. C.A. [1959] Ch. 626; [1959] 3 W.L.R. 254.

Witness, competency of

Will witnessed by beneficiary under secret trust—Validity of gift. *In re* **Young, decd.,** Danckwerts J. [1951] Ch. 344; [1951] 1 T.L.R. 262.

Blind testator. *See* **Knowledge.**

Capital or income. *See* CAPITAL OR INCOME.

Charity. *See* CHARITY.

Codicil. *See* **Construction.**

Condition precedent to gift

Malum prohibitum or in se

Condition infringing perpetuity rule—Whether bequest effective unfettered by condition. *In re* **Elliott, decd.,** Harman J. [1952] Ch. 217; [1952] 1 T.L.R. 298; [1952] 1 All E.R. 145.

Conflict of laws. *See* CONFLICT OF LAWS.

Construction. (*See also* POWER OF APPOINTMENT; SETTLEMENT; TRUSTS.)

Absolute gift or gift of interest

Charity, gift to—Gift of income to charity indefinitely—Whether carries right to corpus—Testator's intention. *In re* **Levy, decd.,** C.A. [1960] Ch. 346; [1960] 2 W.L.R. 278.

Absolute or life interest. (*See also Protected life interest.*)

Gift of residuary estate to A "and thereafter to her issue"—Effect of words "thereafter "to her issue." *In re* **Gouk, decd.,** Danckwerts J. [1957] 1 W.L.R. 493.

Gift over of "anything that is left" at donee's death. **In the Estate of Last, decd.,** Karminski J. [1958] P. 137; [1958] 2 W.L.R. 186.

Acceleration. (*See also* SETTLEMENT (**Construction**).)

Gift of part of residue to stepdaughter for life and then to be divided equally between her issue—Effect of disclaimer by stepdaughter of all interest in testatrix's residue—Members of class, how determined. *In re* **Davies,** Vaisey J. [1957] 1 W.L.R. 922.

Residue on trusts for two persons after death of tenant for life, subject to defeasance—Disclaimer by tenant for life of all interest under will—Effect of disclaimer. *In re* **Taylor, decd.,** Upjohn J. [1957] 1 W.L.R. 1043.

Surplus income—Gift of residue "after death of" annuitant—Question of destination of surplus income during lifetime of annuitant. *In re* **Wragg, decd.,** C.A. [1959] 1 W.L.R. 922.

Accruer clause. *See* ACCRUER; SETTLEMENT.

Advancement clause

For the purpose of "business"—Medical profession—Purchase of house. *In re* **Williams' Will Trusts,** Danckwerts J. [1953] Ch. 138; [1953] 2 W.L.R. 418.

Annuity free of tax. (*See also Free of tax*; REVENUE (**Estate duty; Income tax; Legacy duty**).)

Annuity payable by trustees "free of income tax"—Recovery by annuitant of income tax paid on taxable income by reason of business losses—Annuitant's liability to account to trustees—Income Tax Act, 1918, s. 34. *In re* **Lyons,** Romer J. [1951] Ch. 1093; [1951] 2 T.L.R. 429; [1951] 2 All E.R. 507. C.A. [1952] Ch. 129; [1951] 2 T.L.R. 1256; [1952] 1 All E.R. 34.

Destination of tax recovered—Annuity becomes one-third of the income of the testator's estate after deduction of income tax. *In re* **Batley, decd. (No. 2),** Vaisey J. [1952] W.N. 225; [1952] 1 All E.R. 1036. C.A. [1952] Ch. 781; [1952] 1 T.L.R. 1062; [1952] 2 All E.R. 562.

Direction to trustees to appropriate sum sufficient to produce "net income" of £10 a week and "to pay such income" to annuitant—Annuity subject to income tax. *In re* **Wright, decd.,** Danckwerts J. [1952] W.N. 470; [1952] 2 T.L.R. 649; [1952] 2 All E.R. 698.

Free from income tax—Intention of testator. *In re* **Batley, decd.,** C.A. [1951] Ch. 558; [1951] 1 T.L.R. 935.

One third of income of residuary trust fund payable to widow for life—If insufficient to provide £6,500 in any year "free of English income and super-tax" trustees to pay balance "out of the income of the trust fund"—Whether annuity a continuing charge on income. *In re* **Cameron, decd.,** Roxburgh J. [1954] 1 W.L.R. 1375. **C.A.** [1955] 1 W.L.R. 140.

WILL—*continued.*

Construction—*continued.*

Bank account

Gift of "my bank deposit at the M. Bank"—Whether applicable to savings certificates and bonds—Current account—Balance withdrawn during testator's last illness—Ademption. *In re* **Heilbronner, decd.,** Roxburgh J. [1953] 1 W.L.R. 1254.

Beneficial interest or trust. See Trust.

"*Business*"

Bequest of "business of a house furnisher"—What assets comprised in and liabilities payable out of bequest. *In re* **White, decd.,** Wynn-Parry J. [1958] Ch. 762; [1958] 2 W.L.R. 464.

Charitable bequest. (*See also* CHARITY.)

Wish of testator—Delay—Express revocation "if . . . trustees shall not within a year " . . . succeed in finding" charitable institution—Delay of more than one year by executors—Distribution of estate held up by other causes—Whether time condition of essence—Whether intention that administration of estate should not be held up during search for charitable institution—Whether gift defeated by lapse of time. *In re* **Selinger's Will Trusts,** Harman J. [1959] 1 W.L.R. 217.

Children. (*See also Class gift.*)

Adoption—Whether adopted child to benefit—Adopter unable to bear children—Intention —"Disposition"—Whether "disposition" made at date of will or at date of death of testator—Adoption of Children Act, 1926, s. 5 (2) (4)—Adoption Act, 1950, ss. 13, 14, Sch. V, para. 4. *In re* **Gilpin,** Upjohn J. [1954] Ch. 1; [1953] 3 W.L.R. 746.

Evidence—Appeal—Meaning of "children"—Application by defendants for leave to call further evidence—Duty of plaintiff trustees to make available all material information. *In re* **Herwin,** C.A. [1953] Ch. 701; [1953] 3 W.L.R. 530.

"Lawful children"—Gift of trust fund for life and to lawful child or children of beneficiary living at his death—Separation of beneficiary and wife—Birth of children to wife after separation—Decree of nullity of beneficiary's marriage owing to his incapacity—Marriage of wife to putative father of children—Whether children lawful children of beneficiary—Law Reform (Miscellaneous Provisions) Act, 1949, s. 4; Matrimonial Causes Act, 1950, s. 9. *In re* **Adams, decd.,** Danckwerts J. [1951] Ch. 716; [1951] 1 T.L.R. 841; [1951] 1 All E.R. 1037.

Surviving—Gift of income equally to children for life, the share of deceased child to his children—Share of each child dying without leaving any child living at his death for benefit of "my surviving children"—"My surviving children"—Whether "surviving" to be given natural meaning—Canons of construction applicable. *In re* **James's Will Trusts,** Buckley J. [1960] 3 W.L.R. 1031.

——— Gift of real and personal property to one daughter for her life—Option to sell or retain—If retained "shall be inherited by my surviving children"—Property retained—Children of testatrix surviving tenant for life entitled to inherit. **Outerbridge v. Hollis,** J.C. [1951] W.N. 318.

Whether including issue—Trusts for "children . . . and . . . issue"—Ultimate trusts for "children . . . similar to the trusts hereinbefore declared so far as may be and "the law will allow"—Whether "issue" included in ultimate trusts. "Similar" trusts. *In re* **Lybbe, decd.,** Roxburgh J. [1954] 1 W.L.R. 573.

Whether limited to children in esse—Contingent gift—"Upon youngest child of R. "attaining 21 to such of the children of R. as shall then be living"—Policy favouring early resting—Whether applicable. *In re* **Ransome, decd.,** Upjohn J. [1957] Ch. 348; [1957] 2 W.L.R. 556.

——————— Gift of share of residuary estate to "my grand-"children, the children of my son E. J. M."—Distribution to be "when the youngest "is 21 years of age." *In re* **Manners, decd.,** Upjohn J. [1955] 1 W.L.R. 1096.

Class gift

"Family"—After specific bequests "All remaining things to be shared between family" —Which relations included in family. *In re* **Edwards,** Danckwerts J. [1951] W.N. 263.

Gift "upon trust, for all or any the children or child of . . . who shall attain . . . "twenty-one years if more than one in equal shares"—Time for ascertaining class—Rule of convenience. *In re* **Bleckly, decd.,** Harman J. [1951] W.N. 161; [1951] 1 T.L.R. 432; [1951] 1 All E.R. 628. C.A. [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064.

"Issue of our marriage"—Life interest to wife—Ultimate gift equally between "issue of our marriage"—Meaning. *In re* **Noad, decd.,** Roxburgh J. [1951] Ch. 553; [1951] 1 T.L.R. 703; [1951] 1 All E.R. 467.

Postponed vesting of—Class ascertained at death of testator—"Issue"—Whether including adopted child. *In re* **Marshall, decd.,** Harman J. [1957] Ch. 263; [1957] 2 W.L.R. 439: C.A. [1957] Ch. 507; [1957] 3 W.L.R. 538.

WILL—*continued.*

Construction (*Class gift*)—*continued.*

"Relations"—Gift to "relations" after prior life interest—Date of ascertainment of class—Whether joint tenants or tenants in common.
In re **Gansloser's Will Trusts,** Vaisey J. [1951] Ch. 864; [1951] 2 T.L.R. 10; [1951] 2 All E.R. 231.
C.A. [1952] Ch. 30; [1951] 2 All E.R. 936.

Class or nomination gift. (*See also* **Lapse.**)

Gift of residue in shares to named persons surviving testatrix—Share of beneficiary predeceasing testatrix to accrue to other shares—Revocation of one share by codicil—Whether intestacy as to revoked share.
In re **Midgley, decd.,** Harman J. [1955] Ch. 576; [1955] 3 W.L.R. 119.

Codicil

Bequest of £350 by will—Bequest to same legatee of £1,000 by codicil "thus increasing "the sum of £350 . . . in appreciation of his valuable services . . ."—Whether legatee entitled to both requests. *In re* **Davies,** Vaisey J. [1957] 1 W.L.R. 922.

Effect on construction of will—Codicil ineffective—Pecuniary legacies—Whether payable out of real or personal estate—Whether estate indivisible entity.
In re **Timson, decd.,** Vaisey J. [1953] 1 W.L.R. 1361.

Revocation—Direction to accumulate—Invalidity—Destination of income—Under will or as on intestacy. *In re* **Ransome, decd.,** Upjohn J. [1957] Ch. 348; [1957] 2 W.L.R. 556.

——— Name and arms clauses—Substituted clause in codicil held void for uncertainty—Whether clause in will takes effect—Express words of revocation in codicil—Doctrine of dependent relative revocation.
In re **Murray, decd.,** Harman J. [1956] 1 W.L.R. 605.

Substitutionary gift to beneficiary's "personal representatives and to form part of his "estate"—Life interest bequeathed by beneficiary to his widow—Codicil to will of testatrix directing will to be read as if widow were dead—Effect.
In re **Wray, decd.,** C.A. [1951] Ch. 425; [1951] 1 All E.R. 375.

Trustees directed by will to form company to acquire business—Income of shares after wife's death to daughter for life—Ultimate trusts—Gift by codicil of shares and business premises to daughter absolutely—Company formed by testator himself after codicil executed—Shares vested in testator and daughter—Daughter chairman and governing director of company after testator's death—Whether entitled to testator's shares.
In re **Quibell, decd.,** Vaisey J. [1957] 1 W.L.R. 186.

"*Colony*"

Bequest of postage stamp collection—"British Colonies"—Ambit of gift.
In re **Van Lessen,** Wynn-Parry J. [1955] 1 W.L.R. 1326.

Date of ascertainment of qualification

Devise to eldest son "who shall be a member of the Church of England and an adherent "to the doctrine of that Church"—Previous life interests.
In re **Allen, decd. (No. 2),** Harman J. [1954] Ch. 259; [1954] 2 W.L.R. 333.

Exclusion if condition unsatisfied. (*See also Marriage condition; Name and Arms Clause.*)

"Will to take effect as if she had not been my daughter"—Effect on exercise of power of appointment by will.
In re **Burton's Settlements,** Upjohn J. [1955] Ch. 82; [1954] 3 W.L.R. 581.

Extrinsic evidence

Misdescription—Former will—Admissibility—Bequest to minister for general purposes of church—Whether church entitled to share of residue as "institution."
In re **Nesbitt, decd.,** Roxburgh J. [1953] 1 W.L.R. 595.

Trustees' duty—Appeal—Application by defendants to call further evidence—Duty of plaintiff trustees to make available all material information.
In re **Herwin,** C.A. [1953] Ch. 701; [1953] 3 W.L.R. 530.

"*Family.*" *See Class gift.*

"*Free of duty*"

Death duties payable not arising on death of testator.
In re **Howell, decd.,** Vaisey J. [1952] Ch. 264; [1952] 1 T.L.R. 371; [1952] 1 All E.R. 363.

Deferred pecuniary legacies—Liability to estate duty—Prior successive life interests—Whether legatees liable to contribute towards duty paid on the first death—Finance Act, 1894, ss. 8 (4), 9 (1), 14 (1)
In re **McNeill, decd.,** C.A. [1958] Ch. 259; [1957] 3 W.L.R. 1007.

"*Free of duty*"

Chattels of artistic or historic interest—Specific legacy free of duty—Direction to trustees to pay duties payable "on my death"—Whether duty contingently payable on sale by legatees payable out of residue—Finance Act, 1930, s. 40.
In re **Bedford, decd.,** Cross J. [1960] 1 W.L.R. 1331.

"Such a sum as will with the moneys I have already given . . . amount to [named sum]"—Moneys given inter vivos liable to estate duty—Proper amount of legacy.
In re **Dawson's Will Trusts,** Vaisey J. [1957] 1 W.L.R. 391.

WILL—*continued.*

Construction—*continued.*

Free of tax. (*See also Annuity free of tax.*)

Direction to set aside and accumulate annual sum free of tax—Whether setting aside a "payment"—Finance Act, 1941, s. 25 (1).
In re **Banbury, decd.,** Danckwerts J. [1951] Ch. 1.

Hospital. See NATIONAL HEALTH SERVICE.

Implied gift. (*See also Acceleration; Omission.*)

Gift of moiety of residue remaining after "my wife has received her jus relictae"—Wife not entitled to jus relictae—Whether implied gift of residue to wife.
In re **Angus' Will Trusts,** Buckley J. [1960] 1 W.L.R. 1296.

Inconsistency

Printed form—Residuary bequest "equally between St. Peter's Church, Staines, and "Oxford University"—Second devise and bequest of residue "not hereby otherwise "disposed of" to executors "to deal with at their discretion"—No inconsistency—First residuary bequest valid.
In re **Gare, decd.,** Harman J. [1952] Ch. 80; [1951] 2 T.L.R. 1003; [1951] 2 All E.R. 863.

Intestacy, as on

Residue to pass to persons entitled as on intestacy of testator's widow—Widow illegitimate—Right of Crown—Bona vacantia—Nature of Crown's entitlement to estates of persons dying intestate—Administration of Estates Act, 1925, s. 46 (1).
In re **Mitchell, decd.,** Wynn-Parry J. [1954] Ch. 525; [1954] 2 W.L.R. 1114.

Investment clause. (*See also* SETTLEMENT.)

Power to invest in stock of "any British colony or dependency . . . but not otherwise"—Meaning of "but not otherwise"—Whether investments authorized by law excluded—Trustee Act, 1925, ss. 1 (1), 68 (2).
In re **Rider's Will Trusts,** Harman J. [1958] 1 W.L.R. 974.

"South African trustee securities"—Trustee Act, 1925, s. 1.
In re **Sebba, decd.,** Danckwerts J. [1959] Ch. 166; [1958] 3 W.L.R. 605.

Issue. See Children; Substitutionary gift.

Lapse. See **Lapse.**

Marriage condition

Bequest to trustees on trust to pay income to A. "until she marries and then to settle "the said sum upon her for her benefit as my trustees may think best"—Death of beneficiary unmarried. *In re* **Henry,** Upjohn J. [1953] 1 W.L.R. 376.

Gift of personalty—Condition subsequent—In partial restraint of marriage—No gift over—In terrorem condition—Interest not forfeited on remarriage—English rule applicable in Federation of Malaya—Intention of testator—To be extracted from the will—Extraneous evidence inadmissible.
Leong v. Chye, J.C. [1955] A.C. 648; [1955] 3 W.L.R. 303.

"*Money in bank*"

Whether confined to credit balance—Whether inclusive of travellers' cheques.
In re **Trundle, decd.,** Cross J. [1960] 1 W.L.R. 1388.

"*Movables*"

Gift of "all . . . my furniture and movables . . . not consisting of mortgages shares "bonds or securities . . . to my wife absolutely"—Prohibition against sale by wife of "anything whatever left to her by this clause"—Whether "movables" inclusive only of movable chattels. *In re* **Walsh,** Vaisey J. [1953] Ch. 473; [1953] 2 W.L.R. 686.

Name and arms clause. See NAME AND ARMS CLAUSE.

"*Next-of-kin*"

Gift over to testator's next-of-kin—Date when next-of-kin ascertained—Whether next-of-kin take equally as joint tenants—Administration of Estates Act, 1925, s. 50 (1).
In re **Krawitz Will Trusts,** Vaisey J. [1959] 1 W.L.R. 1192.

Office, gift to holder of. See Trust or beneficial interest.

Omission. (*See also* SETTLEMENT.)

Blanks in form—Named beneficiaries—Subject-matter given left blank—Effect.
In re **Stevens, decd.,** [1952] Ch. 323; [1952] 1 T.L.R. 590; [1952] 1 All E.R. 574.

Clause ungrammatical and illogical unless words supplied from precedent—Judicial notice that precedent available.
In re **Follett, decd.,** Roxburgh J. [1954] 1 W.L.R. 1430.
C.A. [1955] 1 W.L.R. 429.

Filled by reference to words in subsequent clause—Name and arms clauses.
In re **Neeld, decd.,** Cross J. [1960] Ch. 455; [1960] 2 W.L.R. 730.

Gift of income during minority—Whether gift of corpus implied—Bequest of "all other "money . . . up in trust for my four grandchildren . . . until each reaches the age "of twenty-five years"—Conflict of authorities—Ordinary rule of construction applicable—No gift of corpus. *In re* **Arnould, decd.,** Upjohn J. [1955] 1 W.L.R. 539.

Implied power of appointment—Words inserted—No restriction on method of exercise—Drafting by scissors or paste. *In re* **Cory, decd.,** Harman J. [1955] 1 W.L.R. 725.

WILL—*continued.*

Construction (*Omission*)—*continued.*

Trust to divide income into four equal parts " one part to each of my children and two " parts to my wife . . . as shall survive me until the children attain the age of 23 " years . . ."—Trusts of half of residuary estate for testator's children and their issue—Absolute gift of whole estate to wife on failure of testator's issue—Extent of wife's interest in her two equal fourth shares—Power of court to transpose words of will.
In re **Bacharach's Will Trusts,** Vaisey J. [1959] Ch. 245; [1959] 2 W.L.R. 1.

Will showing words omitted by accident or mistake—Possibility of literal construction—Missing words supplied by court. *In re* **Whitrick, decd.,** C.A. [1957] 1 W.L.R. 884.

Power of appointment. See POWER OF APPOINTMENT.

Protected interest. (*See also* TRUSTS.)

Trustee's power to " resort to and spend any part of the capital . . . and apply the " same for . . . [beneficiary's] maintenance and general benefit . . ."—Beneficiary's claim for entire capital rejected—Transfer of capital subject to trustee's discretion.
In re **Powles, decd.,** Harman J. [1954] 1 W.L.R. 336.

Punctuation

Nonsensical full stop—Construed as comma.
In re **Arnould, decd.,** Upjohn J. [1955] 1 W.L.R. 539.

" *Reddendo singula singulis* "

Special power of appointment—Whether exercised by general words in appointer's will.
In re **Knight, decd.,** C.A. [1957] Ch. 441; [1957] 2 W.L.R. 987.

" *Relations.*" *See Class gift.*

Satisfaction

Covenant to pay annuity in lieu of alimony—Gift by will of equal amount.
In re **Haves, decd.,** Harman J. [1951] W.N. 550; [1951] 2 T.L.R. 892; [1951] 2 All E.R. 928.

Settlement

Incorporation of trusts of settlement and settlor's power of revocation—Validity of will.
In re **Schintz' Will Trusts,** Wynn-Parry J. [1951] Ch. 870; [1951] 1 All E.R. 1095.

Statutes of Distribution

Bequest of residue equally between brothers and sister " or their heirs and successors "—Persons entitled as " heirs and successors "—" Successors "—General rule that members of class take as joint tenants—Whether rule ousted by Statutes of Distribution.
In re **Kilvert, decd.,** Roxburgh J. [1957] Ch. 388; [1957] 2 W.L.R. 854.

Substitutionary gift. (*See also Codicil.*)

Gift to issue of stirps after life interest—Issue required to survive date of distribution.
Mousley v. Rigby, Roxburgh J. [1955] Ch. 139; [1954] 3 W.L.R. 891.

On trust for testator's two daughters for life in equal shares with remainder in fee to their issue in equal shares—Trust of one moiety for each daughter with remainder to her issue. **McDonnell v. Neil,** J.C. [1951] A.C. 342; [1951] 1 T.L.R. 642.

Residuary gift—Substitutionary gift to issue—Death of donee of share of residue without issue—Effect—Law of Property Act, 1925, s. 25 (1).
In re **Rooke,** Harman J. [1953] Ch. 716; [1953] 2 W.L.R. 1176.

Whether adopted children entitled under substitutional gift to issue of adopter.
In re **Marshall, decd.,** Harman J. [1957] Ch. 263; [1957] 2 W.L.R. 439; C.A. [1957] Ch. 507; [1957] 3 W.L.R. 538.

Words of futurity—Gift " unto and equally between all my brothers and sisters the " children of any being then dead taking the share their parent would have taken if " living "—Substitution—Whether grandchildren entitled as joint tenants or tenants in common. *In re* **Brooke,** Upjohn J. [1953] 1 W.L.R. 439.

Surplus income. See Acceleration.

" *Survive.*" (*See also Children.*)

Prima facie meaning—Context—Surrounding circumstances.
In re **Hodgson, decd.,** Roxburgh J. [1952] W.N. 197; [1952] 1 All E.R. 769.

Survivorship, words of

Gift of income to wife for life—Gift of estate after death of wife to " my sisters . . . " or the survivors or survivor of them "—Wife predeceased by testator's sisters—Devolution of estate. *In re* **Douglas' Will Trusts,** Vaisey J. [1959] 1 W.L.R. 744. C.A. [1959] 1 W.L.R. 1212.

" *Things* "

Gift of " All remaining things "—Whether whole net residue or chattels only.
In re **Edwards,** Danckwerts J. [1951] W.N. 263.

Trust or beneficial interest.

Bequest " to the bishop for the time being of the diocese of the Windward Islands "—" To be used by him as he thinks fit in his diocese "—Whether gift to bishop personally or as trustee. *In re* **Rumball, decd.,** C.A. [1955] 1 W.L.R. 1037.

Gifts to executor and trustee—To be disposed of in accordance with memorandum signed by testator—Such memorandum not to have testamentary effect—Gifts expressed not to create a trust—Whether executor entitled beneficially.
In re **Stirling, decd.,** Wynn-Parry J. [1954] 1 W.L.R. 763.

WILL—*continued.*

Construction—*continued.*

Uncertainty. (*See also* CHARITY (**Class gift**) ; NAME AND ARMS CLAUSE; TRUSTS.)

Condition precedent—Bequests on marriage with " a person of the Jewish race "—Whether void for uncertainty. *In re* **Tarnpolsk, decd.,** Danckwerts J. [1958] 1 W.L.R. 1157.

——————— Executors to divide limited sum among " friends " nominated by testator's widow. *In re* **Coates, decd. Ramsden v. Coates,** Roxburgh J. [1955] Ch. 495; [1954] 3 W.L.R. 959.

——————— Legacy to be transferred to the beneficiary on marriage " to a " person of the Jewish faith and the child of Jewish parents "—Proviso directing trustee not to transfer legacy to legatee, if she shall marry " a person not of the " Jewish faith and not the son of parents of the Jewish faith "—Validity.
In re **Wolffe,** Harman J. [1953] 1 W.L.R. 1211.

——————— Legacy " to each member of the staff who shall have . . . had not " less than five years' service "—Validity—" Member of the staff "—" Not less than " five years' service "—Meaning.
In re **Bedford, decd.,** Danckwerts J. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093.

——————— Provision that devisee " shall be a member of the Church of " England and an adherent to the doctrine of that church "—Validity.
In re **Allen, decd.,** Vaisey J. [1953] Ch. 116; [1953] 2 W.L.R. 244; C.A. [1953] Ch. 810; [1953] 3 W.L.R. 637.

Condition subsequent—Annuity—Forfeiture—" If at any time . . . my . . . daughter " . . . shall have social or other relationship with " a certain named person—" In the " uncontrolled opinion of " the trustees—Validity.
In re **Jones, decd. Midland Bank Executor and Trustee Co. Ld. v. Jones,** Danckwerts J. [1953] Ch. 125; [1953] 2 W.L.R. 283.

——————— Gift of freehold house and contents and " any possessions I may " have " to one daughter " on condition that she will always provide a home for " another daughter—No gift over—" Possessions "—" Provide a home "—Whether condition valid—Precatory trust. *In re* **Brace, decd.,** Vaisey J. [1954] 1 W.L.R. 955.

——————— Gift over on marriage with " a person who does not practise the " Jewish religion."
In re **Krawitz Will Trusts,** Vaisey J. [1959] 1 W.L.R. 1192.

——————— Residence—Default of " permanent residence in England "—Principles applicable.
In re **Gape, decd.,** Roxburgh J. [1952] Ch. 418; [1952] 1 T.L.R. 971; [1952] 1 All E.R. 827.
C.A. [1952] Ch. 743; [1952] 2 T.L.R. 477; [1952] 2 All E.R. 579.

——————— Settlement to be executed—" Within such period as my trustees " shall think reasonable."
In re **Burton's Settlements. Scott v. National Provincial Bank Ld.,** Upjohn J. [1955] Ch. 82; [1954] 3 W.L.R. 581.

Precatory trust—Charity—Precise form of scheme in trustees' discretion—Rough outline.
In re **Warres' Will Trusts,** Harman J. [1953] 1 W.L.R. 725.

Shifting clause—Whether void for uncertainty.
Bromley v. Tryon, H.L.(E.) [1952] A.C. 265; [1951] 2 T.L.R. 1119; [1951] 2 All E.R. 1058.

Valuation

Option to testatrix's daughters to purchase house at probate value—Effect of " Chancellor's " concession " relating to owner occupied property—Purchase price of house.
In re **Dowse, decd.,** Vaisey J. [1951] W.N. 54; [1951] 1 T.L.R. 444; [1951] 1 All E.R. 558.

Vesting early policy. See Children.

War condition

Devise of property on condition that " peace be declared "—Whether condition satisfied.
In re **Grotrian,** Danckwerts J. [1955] Ch. 501; [1955] 2 W.L.R. 695.

Dependent relative revocation. (*See also* **Revocation**.)

Destruction of will

Revocation clause in later will—Destruction of earlier will after execution of later will—Destruction in belief later will valid—Later will invalid.
In the Estate of Davies, Morris J. (Gloucester Assizes) [1951] 1 All E.R. 920.

Lost will

Will last in possession of deceased—Presumption of destruction animo revocandi rebutted.
In the Estate of Botting, decd., Havers J. [1951] W.N. 571; [1951] 2 T.L.R. 1089; [1951] 2 All E.R. 997.

Mutilated will

Will made in 1945—Testator in hospital from 1948 until death—Expressed intention to alter will—No new will made—Mutilated will found after death of deceased—No evidence as to date of destruction—Act of revocation held conditional upon making fresh will. **In the Estate of Bromham, decd.,** Lord Merriman P. [1951] W.N. 603; [1951] 2 T.L.R. 1149.

WILL—*continued.*

Dependent relative revocation—*continued.*

Two wills

First will followed by subsequent will containing revocation clause and inchoate clause referring to residue—Both wills treated as composite document.
In the Estate of **Cocke, decd.**, Lloyd-Jones J. [1960] 1 W.L.R. 491.

Effect. (*See also* ADMINISTRATION; PROBATE.)

Vesting of interests under it

Independent of probate.
Bambridge v. Inland Revenue Commissioners, H.L.(E.) [1955] 1 W.L.R. 1329.

Election

Bequest of property of third parties

Part owner benefiting under will—Doctrine of election applicable.
In re **Dicey, decd.,** Danckwerts J. [1956] Ch. 357; [1956] 2 W.L.R. 996;
C.A. [1957] Ch. 145; [1956] 3 W.L.R. 981.

Disposition after will

Disposition by will of freehold property and residuary estate to seven beneficiaries—Subsequent effective contract to devise freehold property to one beneficiary—No ademption thereby of devise—Beneficiary required to elect—Wills Act, 1837, s. 24.
In re **Edwards, decd.,** Upjohn J. [1957] Ch. 21; [1956] 3 W.L.R. 771.
C.A. [1958] Ch. 168; [1957] 3 W.L.R. 131.

Entailed interest. *See* ENTAILED INTEREST.

Estate duty. *See* REVENUE.

Execution. (*See also* **Attestation; Knowledge; Signature.**)

Will consisting of several sheets

Duly executed while pressed together by hand of deceased—Subsequent holograph additions inserted above signature—Testamentary intention—Wills Act, 1837, s. 9—Wills Act Amendment Act, 1852, s. 1.
In the Estate of **Little, decd.,** Sachs J. [1960] 1 W.L.R. 495.

Interlineation

Interlineation in codicil

Validity—Examination of circumstances.
In the Estate of Campbell, decd., Wallington J. [1954] 1 W.L.R. 516.

Intermediate income

Acceleration

Devise to A for life with remainder to his sons in tail male, with remainder to C in fee simple—A disclaims, having had as yet no son—Disposal of intermediate income—Whether income expressly disposed of—Law of Property Act, 1925, s. 175 (1).
In re **Hatfeild's Will Trusts,** Harman J. [1958] Ch. 469; [1957] 3 W.L.R. 28.

Knowledge and approval of testator. (*See also* PROBATE.)

Blind testator

Whether "by what appears on the face of the will . . . he had . . . knowledge of its "contents"—Court entitled to take cognizance of elaborate provisions of will—Courts Ordinance, Laws of the Gold Coast, 1936 Rev., c. 4, Sch. 3, Ord. 49. r. 29.
Christian (orse. Ampah) v. Intsiful, J.C. [1954] 1 W.L.R. 253.

Direction to jury

Will drafted by solicitor named sole executor—Major benefit taken by him—Testatrix elderly woman unversed in business—Complexity of will—Validity challenged—Onus on solicitor to establish knowledge and approval—Court's duty to be vigilant and jealous. **Wintle v. Nye,** H.L.(E.) [1959] 1 W.L.R. 284.

Illness

Will not read over—Will pursuant to instructions.
In the Estate of Wallace, decd., Devlin J. [1952] 2 T.L.R. 925.

Lapse

Child or issue, bequest to

Testator predeceased by child—Devolution with child's estate—Time for ascertaining persons entitled as on intestacy—Whether at date of death of testator or child—Wills Act, 1837, s. 33.
In re **Basioli, decd.,** Upjohn J. [1953] Ch. 367; [1953] 2 W.L.R. 251.

Class gift

Public policy—Manslaughter of testator by wife—Bequest of residue to wife, son and stepson "in equal shares as tenants in common"—Whether a class gift—Whether wife's share divisible between son and stepson or went as on intestacy—Wills Act, 1837, s. 15. *In re* **Peacock, decd.,** Upjohn J. [1957] Ch. 310; [1957] 2 W.L.R. 793.

Gift over

Gift to beneficiary "if she shall be living at the death of my daughter"—Gift over in the event of death before daughter—Beneficiary survives daughter but predeceases testatrix—Lapse—Gift over fails.
In re **Bailey,** C.A. [1951] Ch. 407; [1951] 1 All E.R. 391.

WILL—*continued.*

Lost will. (*See also* **Dependent relative revocation**; PROBATE.)

Burden of proof

Evidence taken before an examiner—Examiner's report—R.S.C., Ord. 37, r. 17.
In re **Wipperman, decd.,** Pearce J. [1955] P. 59; [1953] 2 W.L.R. 706.

Whether revoking earlier will

Two wills—Later will not forthcoming—No evidence as to the contents—Probate of earlier will. **In the Goods of Wyatt, decd.,** Collingwood J. [1952] W.N. 233; [1952] 1 T.L.R. 1294; [1952] 1 All E.R. 1030.

Marriage. (*See also* **Revocation.**)

Effect

Conditional gift—" If continuing in service " of testatrix's husband—Marriage of husband and legatee—Prenuptial deed agreeing to remain in service for life.
In re **Kendrew,** C.A. [1953] Ch. 291; [1953] 2 W.L.R. 550.

Probate—Bequest to " my fiancée "—Subsequent marriage to " fiancée "—Wills Act, 1837, s. 18—Law of Property Act, 1925, s. 177.
In the estate of Langston, decd., Davies J. [1953] 1 W.L.R. 581.

——— Legatee described as " wife " of deceased testator—Marriage alleged to have been bigamous—No allegation of fraud—Validity of bequest.
In the estate of Posner, decd., Karminski J. [1953] P. 277; [1953] 2 W.L.R. 1149.

Mistake

Words too many

Grant of probate with words omitted.
In the Goods of Swords, decd., Wallington J. [1952] P. 368; [1952] 2 All E.R. 281.

Mutual wills

New will by survivor

Husband and wife—Agreement by each spouse to give effect to testamentary dispositions of the other—Absolute gift to survivor—Direction by survivor to divide residue into husband's and wife's moieties—Fresh will by survivor after accepting benefits—Deceased spouse's moiety subject to trust in hands of survivor.
In re **Green, decd.,** Vaisey J. [1951] Ch. 148

Power of appointment. *See* POWER OF APPOINTMENT.

Protective trust. *See* **Construction**; TRUSTS.

Restraint on alienation. *See* RESTRAINT ON ALIENATION.

Revocation. (*See also* **Dependent relative.**)

Bequest to " my fiancée "

Subsequent marriage to " fiancée "—Wills Act, 1837, s. 18—Law of Property Act, 1925, s. 177. **In the estate of Langston, decd.,** Davies J. [1953] 1 W.L.R. 581.

Dependent relative revocation. See **Dependent relative revocation.**

Effective will not revoking earlier will

Probate granted to both—Construction of wills.
In re **Plant, decd.,** Roxburgh J. [1952] Ch. 298; [1952] 1 T.L.R. 1; [1952] 1 All E.R. 78n.

Revival

Will revoked by marriage—Codicil on envelope containing will—Statement that person named in envelope was testator's wife—Wills Act, 1837, s. 22.
In the Goods of Davis, decd., Willmer J. [1952] P. 279; [1952] 2 T.L.R. 541; [1952] 2 All E.R. 509.

Revocation clause

Valid Belgian will disposing of all property—Subsequent English will containing total revocation clause—English will expressly covering English estate only—Whether intention to revoke Belgian will in toto.
In re **Wayland, decd.,** Pearce J. [1951] W.N. 604; [1951] 2 All E.R. 1041.

Subsequent will

Original valid will—Alleged subsequent testamentary document—No evidence of contents—No evidence as to revocation clause or disposition of residue—Later document prepared by solicitor—Earlier will held revoked.
In the Estate of Hampshire, decd., Karminski J. [1951] W.N. 174.

Satisfaction. *See* **Construction.**

Seaman's will

" Seaman being at sea "

Chief officer—Oral declaration while under orders to join ship in peace-time—Wills Act, 1837, s. 11—Wills (Soldiers and Sailors) Act, 1918, ss. 1 and 2.
In the Goods of Wilson, decd., Havers J. [1952] P. 92; [1952] 1 T.L.R. 911; [1952] 1 All E.R. 852.

Merchant navy seaman on leave during war—Wills Act, 1837, s. 11—Wills (Soldiers and Sailors) Act, 1918, ss. 1, 2.
In the Goods of Newland, decd., Havers J. [1952] P. 71; [1952] 1 T.L.R. 896; [1952] 1 All E.R. 541.

WILL—*continued.*

Signature

Position

Signature at foot or end. **Practice Direction,** Probate [1953] 1 W.L.R. 689.

Signature in top right-hand corner—No due execution—Wills Act, 1837, s. 9—Wills Act, Amendment Act, 1852, s. 1.
In the Goods of Harris, decd., Willmer J. [1952] P. 319; [1952] 2 T.L.R. 585; [1952] 2 All E.R. 409.

Sufficiency

Description of deceased in own hand in place of signature—" Your loving mother "—Wills Act, 1837, s. 9. *In the Estate of* **Cook, decd.,** Collingwood J. [1960] 1 W.L.R. 353.

Soldier's will

" In actual military service "

Occupation force—Infant—Wills Act, 1837 (7 Will. 4 & 1 Vict. c. 26), s. 11—Wills (Soldiers and Sailors) Act, 1918 (7 & 8 Geo. 5, c. 58), ss. 1 and 3.
In the Estate of Colman, decd., Karminski J. [1958] 1 W.L.R. 457.

Specific devise or bequest

Option to purchase shares

Not a specific bequest—Availability for payment of debts.
In re **Eve,** Roxburgh J. [1956] Ch. 479; [1956] 3 W.L.R. 69.

Voidable interest

Devise of property comprised in estate of which testatrix trustee and purchased by her through nominee—Property recoverable by beneficiaries on paying amount of price paid by testatrix—Whether payable to specific devisee or to estate of testatrix.
In re **Sherman, decd.** *In re* **Walters, decd.,** Harman J. [1954] Ch. 653; [1954] 2 W.L.R. 903.

Unproved will

Effect

Rent restriction—Death of contractual tenant—Widow named as executrix of valid will—Death of widow without proving will—Whether tenant died " intestate."
Whitmore v. Lambert C.A. [1955] 1 W.L.R. 495.

Vesting of interests under will. *See* **Effect.**

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WINDOW CLEANER. *See* INVITOR AND INVITEE; NEGLIGENCE (**Safe system of work**).

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Criminal law

Public mischief

No conspiracy—Alleged false statements concerning police in public speech—Whether for judge or jury to consider if words constituted offence—Undesirability of counts charging both sedition and public mischief by same speech—Conviction quashed—Costs.
Joshua v. The Queen, J.C. [1955] A.C. 121; [1955] 2 W.L.R. 8.

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" *Abandoned* "—Adoption Act, 1950, s. 3 (1) (*a*). **Watson v. Nikolaisen** [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187.

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J.—P. C. v. J.—A. F., Sachs J. [1955] 2 W.L.R. 973; C.A. [1955] P. 215; [1955] 3 W.L.R. 72.

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Reg. v. Judge Dutton Briant. *Ex parte* **Abbey National Building Society,** Divl.Ct. [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249.

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"*Adapting for sale*"—Factory and Workshop Act, 1901, s. 149 (1) (*b*) (iii).
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"*Adequate shoring or otherwise*"—Building (etc.) Regulations, 1948, reg. 79 (7).
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"*Adjacent*"—Prevention of Accidents Rules. 1902, para. 5.
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"*Affected*"—Rights of stockholders. **White v. Bristol Aeroplane Co. Ld.,** C.A. [1953] Ch. 65; [1953] 2 W.L.R. 144.

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"*Agricultural engine*"—Vehicles (Excise) Act, 1949, s. 4 (2) (as amended by Finance Act 1950, s. 13, Sch. III). **Regina v. Berkshire County Council.** *Ex parte* **Berkshire Lime Co. (Childrey) Ld.,** Divl.Ct. [1953] 1 W.L.R. 1146.

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In re **Endacott, decd.,** C.A. [1960] Ch. 232; [1959] 3 W.L.R. 799.

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C.A. [1954] Ch. 117; [1954] 2 W.L.R. 37
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"*Articulated vehicle*"—Motor Vehicles (Construction and Use) Regulations, 1947, reg. 3 (1).
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C.A. [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810.

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Fynn v. Inland Revenue Comrs., Upjohn J. [1958] 1 W.L.R. 585.

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M. Takim & Co. v. Valji, J.C. [1955] A.C. 617; [1955] 2 W.L.R. 991.

"*At any time*"—Charterparty. **S.A. Maritime et Commerciale of Geneva v. Anglo-Iranian Oil Co. Ld.,** Devlin J. [1953] 1 W.L.R. 1379.

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"*Bonus.*" **Powell v. Braun,** C.A. [1954] 1 W.L.R. 401.

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In re **Van Lessen,** Wynn-Parry J. [1955] 1 W.L.R. 1326

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" *Contumacy.*" *See* " *Conviction.*"

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"*If they shall so long live separate*"—Maintenance.
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"*Infamous or disgraceful conduct*"—Dentists Act, 1957, s. 25.
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"*Interest in land*"—Law of Property Act, 1925, s. 40 (1).
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"*Interested under . . . written instrument*"—R.S.C., Ord. 54A, r. 1.
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"*Interlocutory order*"—R.S.C. Ord. 25, r. 4.
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" *Liquidated demand* "—R.S.C., Ord. 3, r. 7; Ord. 13, r. 3.
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" *Loading and discharge* "—Shipping.
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" *Lodging* "—Catering Wages Act, 1943, ss. 9 (1), 10 (1)—Wages Regulation (Unlicensed Place of Refreshment) Order, 1949.
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In re **Shuter,** Divl.Ct. [1960] 1 Q.B. 142; [1959] 3 W.L.R. 652.

"*Meat*"—Transport Act, 1947, s. 52.
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In re **Consolidated Goldfields of New Zealand Ld.,** Roxburgh J. [1953] Ch. 689; [1953] 2 W.L.R. 584.

"*Member of the Church of England and an adherent to the doctrine of that church*"—Will.
In re **Allen, decd.,** Vaisey J. [1953] Ch. 116; [1953] 2 W.L.R. 244; C.A. [1953] Ch. 810; [1953] 3 W.L.R. 637.

"*Member of the staff*"—Will.
In re **Bedford, decd.,** Danckwerts J. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093.

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"*Mutiny*"—Army Act, 1881, s. 7. **Reg. v. Grant,** C.-M.A.C. [1957] 1 W.L.R. 906.

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"*Necessary*" party to action—R.S.C., Ord. 16, r. 11.
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" *Owner or occupier* "—Licensing Act, 1953, s. 152 (2).
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WORK AND LABOUR. (*See also* BUILDING; QUANTUM MERUIT; SALE OF GOODS.)

Contract

Commission to make fur coat

Whether contract for work and labour or sale of goods.
Marcel (Furriers) Ld. v. Tapper, Hilbery J. [1953] 1 W.L.R. 49

Implied term

Sublease would be granted.
Jennings v. Woodman, Matthews & Co., C.A. [1952] 2 T.L.R. 409.

WORK AND LABOUR—*continued.*

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Contract for lump sum—Substantial compliance.
Hoenig v. Isaacs, C.A. [1952] 1 T.L.R. 1360; [1952] 2 All E.R. 176.

Warranty

Repair of motor-car—Specialist's work done by sub-contractor with consent of owner—Defective work done by sub-contractor—Unsuitable materials—Reliance on repairer's skill and judgment—Liability of repairer—Warranty of fitness for intended purpose.
Stewart v. Reavell's Garage, Sellers J. [1952] 2 Q.B. 545; [1952] 1 T.L.R. 1266; [1952] 1 All E.R. 1191.

WORKMEN'S COMPENSATION

Alternative remedy

Loss of option

Injury to workman—Compensation claimed by solicitors on workman's behalf—Workman not told by solicitors of right to damages—Workmen's Compensation Act, 1925, s. 29 (1).
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Solicitor retained as to workmen's compensation—No duty to advise generally—Workmen's Compensation Act, 1925, s. 29. **Griffiths v. Evans,** C.A. [1953] 1 W.L.R. 1424.

Contribution by "other employers." *See* MINES (**Coal**) (*Industrial diseases*).

Death from disease

While travelling to work

Coronary occlusion—Not contracted in course of, or contributed to by, employment—Due solely to autogenous causes—Whether workman "received injury"—Workers' Compensation Act, 1926–47, of New South Wales, ss. 6 (1), 7 (1) (*a*) (*b*).
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Sudden unexpected physiological change—Not associated with any external event or action of deceased—"Injury by accident arising out of or in the course of his "employment"—Auricular fibrillation—Workers' Compensation Act, No. 3806 of 1928 (Victoria), as amended (including amendments by Act No. 5128 of 1946), ss. 3 (1), 5 (1) (5). **James Patrick & Co. Proprietary Ld. v. Sharpe,** J.C. [1955] A.C. 1; [1954] 3 W.L.R. 539.

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Accident while working for company for wages

Liability of company for compensation—New Zealand.
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Indemnity from third party

Employee injured by motorist—Payment of compensation by employers after death of motorist—Employers' claim against estate for indemnity—Whether cause of action subsisting at time of death—Workmen's Compensation Act, 1925, s. 30—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1) (4).
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Attorney-General *v.* Belgrave Hospital [1910] 1 Ch. 73; 26 T.L.R. 40. *Applied*, In re Ginger, decd. [1951] Ch. 458; [1951] 1 T.L.R. 750; [1951] 1 All E.R. 422

Attorney-General *v.* Belilios [1928] 1 K.B. 798; 97 L.J.K.B. 139; 138 L.T. 294; 44 T.L.R. 214; 72 S.J. 49, C.A. *Considered*, Philipson-Stow *v.* Inland Revenue Commissioners [1960] Ch. 313; [1960] 3 W.L.R. 1008, C.A.

Attorney-General *v.* Birmingham, Tame and Rea District Drainage Board [1912] A.C. 788; 82 L.J.Ch. 45; 107 L.T. 353; 76 J.P. 481; 11 L.G.R. 194, H.L.; varying [1910] 1 Ch. 48. *Dicta of Farwell L.J. considered*, Attorney-General *v.* Harris [1961] 1 Q.B. 74; [1960] 3 W.L.R. 532, C.A.

Attorney-General *v.* Boden [1912] 1 K.B. 539. *Dicta of Hamilton J. referred to*, Perpetual Executors and Trustees Association of Australia *v.* Commissioner of Taxes of the Commonwealth of Australia [1954] A.C. 114; [1954] 2 W.L.R. 171, P.C.

Attorney-General *v.* Bradlaugh (1885) 14 Q.B.D. 667, C.A. *Considered*, Brown *v.* Allweather Mechanical Grouting Co. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402, D.C.

Attorney-General *v.* Brown (1849) 3 Exch. 662. *Considered*, Oughtred *v.* Inland Revenue Commissioners [1958] Ch. 678; [1958] 3 W.L.R. 64; [1959] 3 W.L.R. 898, H.L.

Attorney-General *v.* Bucknall (1741) 2 Atk. 328. *Considered*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Attorney-General of Ceylon *v.* Herath (1958) 60 N.L.R. 193. *Judgment of the Supreme Court of Ceylon reversed* [1960] A.C. 890; [1960] 3 W.L.R. 615

Attorney-General *v.* Charlton (1877) 2 Ex.D. 398, C.A. *Considered and applied*, In re Churston Settled Estates [1954] Ch. 334; [1954] 2 W.L.R. 386

Attorney-General *v.* Clarendon (Earl) (1810) 17 Ves.Jun. 491. *Considered*, In re Whitworth Art Gallery Trusts [1958] Ch. 461; [1958] 2 W.L.R. 181

Attorney-General *v.* Cockermouth Local Board (1874) L.R. 18 Eq. 172; 30 L.T. 590; 38 J.P. 660; 22 W.R. 619. *Distinguished*, Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1959] 3 W.L.R. 205

Attorney-General *v.* Cole & Son [1901] 1 Ch. 205. *Followed*, Attorney-General *v.* P. Y. A. Quarries [1957] 2 Q.B. 169; [1957] 2 W.L.R. 673, 770, C.A.

Attorney-General *v.* Comber (1824) 2 Sim. & St. 93. *Considered*, In re Coulthurst, decd. [1951] Ch. 661; [1951] 1 T.L.R. 651; [1951] 1 All E.R. 774, C.A.

Attorney-General *v.* Corke [1933] Ch. 89; 48 T.L.R. 650. *Followed*, Attorney-General *v.* P. Y. A. Quarries [1957] 2 Q.B. 169; [1957] 2 W.L.R. 770, C.A.

Attorney-General *v.* De Keyser's Royal Hotel [1920] A.C. 508; 36 T.L.R. 600, H.L. *Applied*, In re Azoff-Don Commercial Bank [1954] Ch. 315; [1954] 2 W.L.R. 654

Attorney-General *v.* Dobree [1900] 1 K.B. 442; 16 T.L.R. 80, D.C. *Followed*, In re D'Avigdor-Goldsmid [1951] Ch. 1038; [1951] 2 T.L.R. 381; [1951] 2 All E.R. 543, C.A. *Not applied*, In re Barbour's Policies of Assurance [1956] Ch. 53; [1955] 3 W.L.R. 457. *Dictum of Channel J. considered*, Public Trustee *v.* Inland Revenue Commissioners [1960] A.C. 398; [1960] 2 W.L.R. 203, 210.

Attorney-General *v.* Dorking Union Guardians (1882) 20 Ch.D. 595, C.A. *Considered and distinguished*, Pride of Derby and Derbyshire Angling Association *v.* British Celanese [1953] Ch. 149; [1953] 2 W.L.R. 58, C.A.

Attorney-General *v.* Ernest Augustus (Prince) of Hanover [1957] A.C. 436; [1957] 2 W.L.R. 1; [1957] 1 All E.R. 49, H.L. *Applied*, Inland Revenue Commissioners *v.* Collco Dealings. Same *v.* Lucbor Dealings [1959] 1 W.L.R. 995

Attorney-General *v.* Esher Linoleum Co. Ltd. [1901] 2 Ch. 647. *Considered*, Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

Attorney-General *v.* Eyres [1909] 1 K.B. 723; 25 T.L.R. 298. *Applied*, Public Trustee *v.* Inland Revenue Commissioners [1958] Ch. 513; [1958] 2 W.L.R. 429

Attorney-General *v.* Governors of Christ's Hospital [1896] 1 Ch. 879; 12 T.L.R. 242. *Considered*, In re Whitworth Art Gallery Trusts [1958] Ch. 461; [1958] 2 W.L.R. 181

Attorney-General *v.* Governors of the Foundling Hospital (1793) 2 Ves.Jun. 42. *Considered*, In re Whitworth Art Gallery Trusts [1958] Ch. 461; [1958] 2 W.L.R. 181

Attorney-General *v.* Great Eastern Railway Co. (1880) 5 App.Cas. 473, H.L. *Dictum of Lord Selborne L.C. applied*, Winnipeg (City of) *v.* Canadian Pacific Railway Co. [1953] A.C. 618; [1953] 3 W.L.R. 438, P.C. *Dictum of James L.J. approved by Lord Selborne L.C. applied*, Grainger *v.* Liverpool Corporation [1954] 1 Q.B. 351; [1954] 2 W.L.R. 275

Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1959] 3 W.L.R. 205; [1959] 2 All E.R. 393. *Decision of Salmon J. reversed* [1961] 1 Q.B. 74; [1960] 3 W.L.R. 532

Attorney-General *v.* Hawkins [1901] 1 K.B. 285; 17 T.L.R. 85, D.C. *Followed*, Child's Trustee Co. *v.* Inland Revenue Comrs. [1960] Ch. 534; [1960] 2 W.L.R. 903

Attorney-General *v.* Jewish Colonisation Association [1901] 1 K.B. 123. *Considered*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Attorney-General *v.* Johnson [1907] 2 K.B. 885. *Distinguished*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] 3 W.L.R. 1008, H.L.

Attorney-General *v.* Kerr & Ball (1914) 79 J.P. 51; 12 L.G.R. 1277. *Distinguished*, Attorney-General *v.* Harris [1961] 1 Q.B. 74; [1960] 3 W.L.R. 532

Attorney-General *v.* Keymer Brick and Tile Co. (1903) 67 J.P. 434. *Followed*, Attorney-General *v.* P. Y. A. Quarries [1957] 2 Q.B. 169; [1957] 2 W.L.R. 771, C.A.

Attorney-General *v.* Kitchin [1941] 2 All E.R. 735, C.A. *Distinguished*, Letts *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 203

Attorney-General *v.* Lloyds Bank [1935] A.C. 382, H.L. *Considered*, In re Brassey's Deed of Appointment [1951] Ch. 979; [1951] 2 T.L.R. 461; [1951] 2 All E.R. 353, C.A. *Considered*, In re Burton's Settlement Trusts. Public Trustee *v.* Montefiore [1955] Ch. 348; [1955] 2 W.L.R. 452, C.A.

Attorney-General *v.* London & North-Western Railway Co. [1900] 1 Q.B. 78; 69 L.J.Q.B. 26; 81 L.T. 649; 16 T.L.R. 30; 63 J.P. 772. *Distinguished*, Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1959] 3 W.L.R. 205

Attorney-General *v.* Meech (1931) 15 Ann.Tax Cas. 619. *Applied*, In re Oakes' Settlement. Public Trustee *v.* Inland Revenue Commissioners [1951] Ch. 156; (1950) 66 T.L.R. (Pt. 2) 831; [1950] 2 All E.R. 851

Attorney-General *v.* Milne [1914] A.C. 765; 30 T.L.R. 476, H.L. *Considered*, In re Hall's Settlement, Sanderson *v.* Inland Revenue Commissioners [1955] Ch. 128; [1954] 3 W.L.R. 675 [1954] 3 All E.R. 435, C.A., sub nom. Sanderson *v.* Inland Revenue Commissioners [1956] A.C. 491; [1956] 2 W.L.R. 98, H.L. *Considered*, Public Trustee *v.* Inland Revenue Commissioners [1960] A.C. 398; [1960] 2 W.L.R. 203, 210; Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1959] Ch. 277; [1959] 2 W.L.R. 77, C.A.

Attorney-General *v.* Mutual Tontine Westminster Chambers Association (1876) 1 Ex.D. 469. *Applied*, Gatehouse *v.* Vise (Inspector of Taxes) [1956] 1 W.L.R. 1509

Attorney-General *v.* Parsons [1955] Ch. 664; [1955] 3 W.L.R. 29; [1955] 2 All E.R. 466, C.A. *Reversed* [1956] A.C. 421; [1956] 2 W.L.R. 153

Attorney-General *v.* Premier Line Ltd. [1932] 1 Ch. 303; 48 T.L.R. 104. *Approved*, Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1960] 3 W.L.R. 532

Attorney-General *v.* Price (1810) 17 Ves. 371. *Dictum of Sir William Grant M.R. explained*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Attorney-General *v.* Price [1912] 1 Ch. 667; 28 T.L.R. 283. C.A. *Applied*, In re Ingleton Charity, Croft *v.* Attorney-General [1956] Ch. 585; [1956] 3 W.L.R. 370

Attorney-General *v.* Racecourse Betting Control Board [1935] Ch. 34; 51 T.L.R. 36, C.A. *Followed*, Willow Wren Canal Carrying Co. *v.* British Transport Commission [1956] 1 W.L.R. 213; Racecourse Betting Control Board *v.* Young [1958] 1 W.L.R. 705, C.A. *Considered*, Racecourse Betting Control Board *v.* Young (Inspector of Taxes) [1959] 1 W.L.R. 813, H.L.

Attorney-General *v.* Robinson [1901] 2 Ir.R. 67. *Followed*, In re D'Avigdor-Goldsmid [1951] Ch. 1038; [1951] 2 T.L.R. 381; [1951] 2 All E.R. 543, C.A. *Disapproved*, D'Avigdor-Goldsmid *v.* I. R. C. [1953] A.C. 347; [1953] 2 W.L.R. 372, H.L.

Attorney-General *v.* Sharp [1931] 1 Ch. 121; 46 T.L.R. 554, C.A. *Applied*, Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1960] 3 W.L.R. 532

Attorney-General *v.* Sherborne Grammar School (1854) 18 Beav. 256. *Considered*, In re Royal Society's Charitable Trusts [1956] Ch. 87; [1955] 3 W.L.R. 342

Attorney-General *v.* Shillibeer (1849) 19 L.J.(N.S.)Ex. 115; 4 Ex. 606. *Applied*, Reg. *v.* Burt. Ex parte Presburg [1960] 1 Q.B. 625; [1960] 2 W.L.R. 398

Attorney-General *v.* Shrewsbury (Kingsland) Bridge Co. (1882) 21 Ch.D. 752. *Distinguished,* Attorney-General *v.* Harris [1960] 1 Q.B. 31; [1959] 3 W.L.R. 205

Attorney-General *v.* Smith [1958] 2 Q.B. 173, 180–181; [1958] 3 W.L.R. 81; [1958] 2 All E.R. 557. *Explained,* Best *v.* Glenville [1960] 1 W.L.R. 1198

Attorney-General *v.* Smithies (1836) 1 Keen 289. *Considered,* Rex *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; (1950) 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

Attorney-General *v.* Stone (1895) 12 T.L.R. 76. *Followed,* Attorney-General *v.* P. Y. A. Quarries [1957] 2 Q.B. 169; [1957] 2 W.L.R. 771, C.A.

Attorney-General *v.* Sudeley [1896] 1 Q.B. 354; 12 T.L.R. 224, C.A. *Considered,* In re Cohen, decd. National Provincial Bank *v.* Katz [1960] Ch. 179; [1959] 3 W.L.R. 916

Attorney-General *v.* Talbot (1747) 3 Atk. 662. *Considered,* Rex *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; (1950) 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

Attorney-General *v.* Till [1910] A.C. 50; 26 T.L.R. 134. *Considered,* Inland Revenue Commissioners *v.* Hinchy [1960] A.C. 748; [1960] 2 W.L.R. 448

Attorney-General *v.* Valle-Jones [1935] 2 K.B. 209; 51 T.L.R. 239. *Not relied on,* Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707. *Not followed* Inland Revenue Commissioners *v.* Hambrook [1956] 2 W.L.R. 920. *Disapproved,* Inland Revenue Commissioners *v.* Hambrook [1956] 2 Q.B. 641; [1956] 3 W.L.R. 644

Attorney-General *v.* Vernazza [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135; [1960] 1 All E.R. 183, C.A. *Decision of the Court of Appeal varied* [1960] A.C. 965; [1960] 3 W.L.R. 466

Attorney-General *v.* Wimbledon House Estate Co. [1904] 2 Ch. 34; 20 T.L.R. 489. *Applied,* Attorney-General *v.* Smith [1958] 2 Q.B. 173; [1958] 3 W.L.R. 81

Attorney-General *v.* Worcester (Bishop of) (1851) 9 Hare 328. *Considered,* In re Royal Society's Charitable Trusts [1956] Ch. 87; [1955] 3 W.L.R. 342

Attorney-General *v.* Wright [1897] 2 Q.B. 318; 13 T.L.R. 480, C.A. *Considered,* Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Attorney-General and Minister for Justice *v.* Dublin United Tramways Co. [1939] Ir.R. 590. *Disapproved,* Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707, P.C.

Attorney-General and Newton Abbot Rural District Council *v.* Dyer [1947] Ch. 67; 62 T.L.R. 632; [1946] 2 All E.R. 252. *Applied,* Fairey *v.* Southampton County Council [1956] 2 Q.B. 439; [1956] 2 W.L.R. 518. *Approved* [1956] 2 Q.B. 439; [1956] 3 W.L.R. 355, C.A.

Attorney-General (Canada) *v.* Hallet and Carey [1952] A.C. 427; [1952] 1 T.L.R. 1408. *Referred to,* Ross-Clunis *v.* Papadopoullos [1958] 1 W.L.R. 546, P.C.

Attorney-General for Alberta *v.* Cook [1926] A.C. 444; 42 T.L.R. 317, P.C. *Followed,* Travers *v.* Holley [1953] P. 246; [1953] 3 W.L.R. 507, C.A.

Attorney-General for Alberta *v.* Huggard Assets [1951] S.C.R. 427. *Reversed* [1953] A.C. 420; [1953] 2 W.L.R. 768

Attorney-General for British Columbia *v.* Attorney-General for Canada [1937] A.C. 377; 53 T.L.R. 337, P.C. *Applied,* Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774, P.C.

Attorney-General for Canada *v.* Attorney-General for Ontario [1937] A.C. 326; 53 T.L.R. 332, P.C. *Considered,* Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774, P.C.

Attorney-General for Ceylon *v.* Mackie [1952] 2 All E.R. 775, P.C. *Applied,* Dean *v.* Prince [1953] Ch. 590; [1953] 3 W.L.R. 271

Attorney-General for Manitoba *v.* Attorney-General for Canada [1925] A.C. 561; 41 T.L.R. 409. P.C. *Referred to,* Attorney-General for Alberta *v.* West Canadian Collieries [1953] A.C. 453; [1953] 2 W.L.R. 801, C.A.

Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707; [1955] 1 All E.R. 846, P.C. *Applied,* Lee *v.* Sheard [1956] 1 Q.B. 192; [1955] 3 W.L.R. 952, C.A.; Inland Revenue Commissioners *v.* Hambrook [1956] 2 Q.B. 641; [1956] 2 W.L.R. 920; [1956] 3 W.L.R. 644; Receiver for the Metropolitan Police District *v.* Croydon Corporation [1957] 2 Q.B. 154; [1957] 2 W.L.R. 34, C.A.

Attorney-General for New South Wales *v.* Trethowan [1932] A.C. 526; 48 T.L.R. 514, P.C. *Distinguished,* Harper *v.* Home Secretary [1955] Ch. 238; [1955] 2 W.L.R. 316, C.A.

Attorney-General for Ontario *v.* Canada Temperance Federation [1946] A.C. 193; 62 T.L.R. 199, P.C. *Considered,* Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774, P.C.

Attorney-General for Ontario *v.* Reciprocal Insurers [1924] A.C. 328; 40 T.L.R. 273, P.C. *Applied,* Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774, P.C.

Attorney-General for Ontario *v.* Winner [1951] S.C.R. 887. *Affirmed in part and reversed in part,* [1954] A.C. 541; [1954] 2 W.L.R. 418

Attorney-General for Palestine *v.* Fakhry Ayyas [1947] A.C. 332, P.C. *Followed,* Roe *v.* Hemmings [1951] 1 K.B. 676; [1951] 1 T.L.R. 365; [1951] 1 All E.R. 389, D.C.

Attorney-General for Saskatchewan *v.* Attorney-General for Canada [1949] A.C. 110, P.C. *Considered,* Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774, P.C.

Attorney-General for Saskatchewan *v.* Canadian Pacific Railway Co. [1953] 3 W.L.R. 409. *Applied,* Winnipeg (City of) *v.* Canadian Pacific Railway Co. [1953] A.C. 618; [1953] 3 W.L.R. 438, P.C.

Attwater *v.* Attwater (1853) 18 Beav. 330. *Considered*, Brown, decd., In re. District Bank *v.* Brown [1954] Ch. 39; [1953] 3 W.L.R. 877

Attwood *v.* Lamont [1920] 3 K.B. 571; 36 T.L.R. 895, C.A. *Distinguished*, Ronbar Enterprises *v.* Green [1954] 1 W.L.R. 815, C.A.

Attygalle *v.* The King [1936] A.C. 338; 52 T.L.R. 390; [1936] 2 All E.R. 116, P.C. *Applied*, Ng. *v.* The Queen [1958] A.C. 713; [1958] 2 W.L.R. 599, P.C.

Auckland Corporation *v.* Alliance Assurance Co. [1937] A.C. 587; 53 T.L.R. 347; [1937] 1 All E.R. 645, P.C. *Considered*, Bonython *v.* Commonwealth of Australia [1951] A.C. 201; (1950) 66 T.L.R. (Pt. 2) 969, P.C.

Auger *v.* Beaudry [1920] A.C. 1010. *Applied*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Augusta, The (1887) 3 T.L.R. 399, C.A. *Considered*, Waziristan, The [1953] 1 W.L.R. 1446

Augusta Magan, In re [1922] 2 I.R. 208n. *Dicta of Palles C.B. applied*, In re Smith, decd. [1951] Ch. 360; [1951] 1 T.L.R. 210; [1951] 1 All E.R. 146

Auster Ltd. *v.* London Motor Coach Works Ltd. (1915) 31 T.L.R. 26, C.A. *Applied*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028

Austin *v.* Austin (1871) 41 L.J.P. & M. 8. *Questioned*, Nelson *v.* Nelson [1958] 1 W.L.R. 894, C.A.

Austin Friars, The (1894) 10 T.L.R. 633. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Austin Motor Co.'s Policies, In re. In re Payton, decd., Payton *v.* Inland Revenue Commissioners [1951] Ch. 1081; [1951] 2 T.L.R. 235; sub nom. In re Payton, Payton *v.* Inland Revenue Commissioners [1951] 2 All E.R. 425, C.A. *Applied*, In re Weigall's Will Trusts [1956] Ch. 414; [1956] 3 W.L.R. 12. *Distinguished*, In re Tapp. Gonville and Caius College, Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 2 W.L.R. 541, C.A.

Australian Direct Steam Navigation Co. (1875) L.R. 20 Eq. 325; sub nom. Re Australian Direct Steam Navigation Co. Ex parte Baker, 44 L.J.Ch. 676. *Applied*, John Carlborn & Co. *v.* Zafiro (Owners). The Zafiro [1960] P. 1; [1959] 3 W.L.R. 123

Auten *v.* Rayner [1958] 1 W.L.R. 1300, 1310; [1958] 3 All E.R. 566, C.A. *Dictum considered*, Auten *v.* Rayner (No. 2) [1960] 1 Q.B. 669; [1960] 2 W.L.R. 562

Avery *v.* London & North Eastern Railway Co. [1938] A.C. 606; 54 T.L.R. 794; [1938] 2 All E.R. 592, H.L. *Applied*, Jeffrey *v.* Kent County Council [1958] 1 W.L.R. 927

Ayr Harbour Trustees *v.* Oswald (1883) 8 App.Cas. 623, H.L. *Applied*, Winnipeg (City of) *v.* Canadian Pacific Railway Co. [1953] A.C. 618; [1953] 3 W.L.R. 438, P.C. *Distinguished*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 2 W.L.R. 429, 1023; [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

Azoff-Don Commercial Bank, In re [1954] Ch. 315; [1954] 2 W.L.R. 654; [1954] 1 All E.R. 947. *Applied*, In re Banque des Marchands de Moscou (Koupetschesky). In re Moscow Merchants' Trading Co. [1958] Ch. 182; [1957] 3 W.L.R. 638

B. *v.* B. and G. [1937] P. 1; 52 T.L.R. 719; [1936] 2 All E.R. 1254. *Considered*, Clear *v.* Clear [1958] 1 W.L.R. 467. *Distinguished*, Lewis *v.* Lewis [1958] P. 193; [1958] 2 W.L.R. 747, C.A.

B.'s Settlement, In re [1940] Ch. 54; 56 T.L.R. 30. *Approved*, McKee *v.* McKee [1951] A.C. 352; [1951] 1 T.L.R. 755; [1951] 1 All E.R. 942, P.C.

B.'s Settlement, In re [1952] 2 T.L.R. 489; [1952] 2 All E.R. 647. *Applied*, In re Forster's Settlement [1954] 1 W.L.R. 1450. *Reversed*, sub nom. Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.

B. and B. Viennese Fashions *v.* Losane [1952] 1 T.L.R. 750; [1952] 1 All E.R. 909. C.A. *Distinguished*, Marles *v.* Philip Trant & Sons, Mackinnon, Third Party [1954] 1 Q.B. 29; [1953] 2 W.L.R. 564, C.A.

Badcock *v.* Hunt (1889) 22 Q.B.D. 145; 5 T.L.R. 148, C.A. *Considered*, King *v.* Cave-Browne-Cave [1960] 2 Q.B. 222; [1960] 3 W.L.R. 204

Baddeley *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 84; [1953] 1 All E.R. 63. *Reversed* [1953] Ch. 504; [1953] 3 W.L.R. 135; [1953] 2 All E.R. 233, C.A. *Reversed*, sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L.

Bagettes *v.* G. P. Estates [1956] Ch. 75; [1955] 3 W.L.R. 602; [1955] 3 All E.R. 451. *Affirmed*, [1956] 2 W.L.R. 773; [1956] 1 All E.R. 729, C.A. *Applied*, Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 291

Bailey *v.* Potteries Electric Traction Co. [1931] 1 K.B. 385; 46 T.L.R. 601, C.A. *Applied*, Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 647, C.A.

Bailey *v.* Stephens (1862) 12 C.B.(N.S.) 91. *Observations of Willes J. explained*, In re Ellenborough Park [1956] Ch. 131; [1955] 3 W.L.R. 893, C.A.

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Baily (A.) & Co. *v.* Clark, Son & Morland (the Glastonbury Case) [1938] A.C. 557; 54 T.L.R. 688; sub nom. In re Clark, Son & Morland Ltd.'s Trade Mark [1938] 2 All E.R. 377, H.L. *Applied*, Yorkshire Copper Works *v.* Registrar of Trade Marks [1954] 1 W.L.R. 554, H.L.

Bain *v.* Bain (1923) 33 C.L.R. 317. *Approved*, Lang *v.* Lang [1955] A.C. 402; [1954] 3 W.L.R. 762, P.C.

Baindail (orse. Lawson) *v.* Baindail [1946] P. 122; [1946] 1 All E.R. 342; 62 T.L.R. 263. *Considered*, Sowa *v.* Sowa [1960] 3 W.L.R. 733

Bainbrigge *v.* Blair (1845) 8 Beav. 588. *Discussed and considered*, In re Worthington, decd., Leighton *v.* Macleod [1954] 1 W.L.R 526

Baker, In re [1936] Ch. 61. *Distinguished*, In re Hooker's Settlement, Heron *v.* Public Trustee [1955] Ch. 55; [1954] 3 W.L.R. 606

Baker *v.* Baker [1950] W.N. 29; 66 T.L.R. (Pt. 1) 81, D.C. *Followed*, Starkie *v.* Starkie [1954] 1 W.L.R. 98, D.C. *Considered and followed*, Pinnick *v.* Pinnick [1957] 1 W.L.R. 644, D.C. *Applied*, Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C.; [1959] 3 W.L.R. 396, C.A.

Baker *v.* Baker [1954] P. 33; [1953] 3 W.L.R. 857; [1953] 2 All E.R. 1199, D.C. *Applied*, Forbes *v.* Forbes [1954] 1 W.L.R. 1526

Baker *v.* Bethnal Green Borough Council [1945] 1 All E.R. 135, C.A. *Referred to*, Hawkins *v.* Coulsdon and Purley Urban District Council [1953] 1 W.L.R. 882; [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122

Baker *v.* Dalgleish S.S. Co. [1922] 1 K.B. 361; 38 T.L.R. 245, C.A. *Applied*, Peacock *v.* Amusement Equipment Co. [1954] 1 W.L.R. 803. *Dicta of Scrutton L.J. applied*, Mead *v.* Clarke Chapman & Co. [1956] 1 W.L.R. 77, C.A. *Applied*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

Baker *v.* Market Harborough Industrial Co-operative Society, Wallace *v.* Richards (Leicester) [1953] 1 W.L.R. 1472, C.A. Followed, France *v.* Parkinson [1954] 1 W.L.R. 581, C.A.

Baker *v.* Snell [1908] 2 K.B. 825; 24 T.L.R. 811. *Applied*, Behrens *v.* Bertram Mills Circus [1957] 2 Q.B. 1; [1957] 2 W.L.R. 406

Baker *v.* Turner [1950] A.C. 401; 66 T.L.R. (Pt. 1) 780; [1950] 1 All E.R. 834, H.L. *Applied*, Rogers *v.* Hyde [1951] 2 K.B. 923; [1951] 2 All E.R. 79, C.A. *Referred to*, Berkeley *v.* Papadoyannis [1954] 2 Q.B. 149; [1954] 3 W.L.R. 23, C.A.

Baker and Another *v.* Hopkins (T. E.) & Son [1958] 1 W.L.R. 993; [1958] 3 All E.R. 147. *Decision of Barry J. affirmed*, Baker *v.* T. E. Hopkins & Son [1959] 1 W.L.R. 966, C.A.

Bald, In re (1897) 66 L.J.Ch. 524. *Followed*, In re Waite's Settlement Trusts [1958] Ch. 100; [1957] 2 W.L.R. 1025

Balfour *v.* Balfour [1919] 2 K.B. 571, 578, 579; 35 T.L.R. 609, C.A. *Dictum of Atkin L.J. applied*, Gage *v.* King [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460. *Distinguished*, Parker *v.* Clark [1960] 1 W.L.R. 286

Balfour *v.* Barty-King. Hyder & Sons (Builders), Third Parties [1956] 1 W.L.R. 779; [1956] 2 All E.R. 555. *Decision of Havers J. affirmed* [1957] 1 Q.B. 496; [1957] 2 W.L.R. 84

Ball, In re [1947] Ch. 228; 63 T.L.R. 94; [1947] 1 All E.R. 458. *Considered*, In re Sayer. MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 262

Ball, In re, Jones *v.* Jones [1930] W.N. 111. *Considered and doubted*, Rooke, In re, Rooke *v.* Rooke [1953] Ch. 716; [1953] 2 W.L.R. 1176

Ball *v.* London County Council [1949] 2 K.B. 159; 65 T.L.R. 533; [1949] 1 All E.R. 1056, C.A. *Not followed*, Riden *v.* A. C. Billings & Sons [1957] 1 Q.B. 46; [1956] 3 W.L.R. 704, C.A. *Overruled*, sub nom. A. C. Billings & Sons *v.* Riden [1958] A.C. 240; [1957] 3 W.L.R. 497, H.L.

Ballard *v.* North British Railway Co. 1923 S.C. 43, H.L. *Observations of Lord Dunedin explained*, Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342, C.A.

Balls Bros. *v.* Sinclair [1931] 2 Ch. 325. *Applied*, Commissioners for Railways *v.* Avrom Investments Proprietary and Others [1959] 1 W.L.R. 389, P.C.

Bambridge *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1265; [1954] 3 All E.R. 86n. *Decision of Harman J. varied* [1954] 1 W.L.R. 1460; [1954] 3 All E.R. 682, C.A. *Affirmed* [1955] 1 W.L.R. 1330

Banbury *v.* Bank of Montreal [1918] A.C. 626; 34 T.L.R. 518, H.L. *Distinguished*, Woods *v.* Martins Bank [1958] 1 W.L.R. 1018

Banco de Bilbao *v.* Sancha [1938] 2 K.B. 176; 54 T.L.R. 603; [1938] 2 All E.R. 253. *Discussed*, Boguslawski *v.* Gdynia-Ameryka Linie [1951] 1 K.B. 162; 66 T.L.R. (Pt. 2) 596; [1951] 2 All E.R. 113, C.A.

Banda *v.* Sada (1914) 17 N.L.R. 510. *Referred to*, Samaratunga *v.* Reg. [1958] A.C. 424; [1958] [1958] 3 W.L.R. 4 P.C.

Bandara *v.* Dingiri Menika (1943) 44 N.L.R. 395. *Dicta of Howard C.J. approved*, Attorney-General of Ceylon *v.* Herath [1960] A.C. 890; [1960] 3 W.L.R. 615

Bank Line *v.* Capel (A.) & Co. [1919] A.C. 435; 35 T.L.R. 150, H.L. *Followed*, Blane Steamships Ltd. *v.* Minister of Transport [1951] 2 K.B. 965; [1951] 2 T.L.R. 763, C.A. *Considered*, Atlantic Maritime Co. Inc. *v.* Gibbon [1954] 1 Q.B. 105; [1953] 3 W.L.R. 714, C.A. *Dictum of Lord Sumner considered*, Tsakiroglou & Co. *v.* Noblee Thorl G.m.b.H. [1960] 2 Q.B. 318; [1959] 2 W.L.R. 179

Bank of Ireland *v.* Evans' Charities Trustees (1855) 5 H.L.Cas. 389, H.L. *Applied*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Bank of Toronto *v.* St. Lawrence Fire Insurance Co. [1903] A.C. 59; 19 T.L.R. 69, P.C. *Distinguished*, Boiler Inspection and Insurance Company of Canada *v.* Sherwin-Williams Company of Canada Ltd. [1951] A.C. 319; [1951] 1 T.L.R. 497, P.C.

Bank voor Handel en Scheepvaart N.V. *v.* Administrator of Hungarian Property [1954] A.C. 584; [1954] 2 W.L.R. 867; [1954] 1 All E.R. 969. *Considered*, Fischler *v.* Administrator of Roumanian Property [1960] 1 W.L.R. 917

Bank voor Handel en Scheepvaart N.V. *v.* Slatford [1953] 1 Q.B. 248; [1951] 2 T.L.R. 755; [1951] 2 All E.R. 779. On appeal [1953] 1 Q.B. 279; [1952] 2 T.L.R. 861; [1952] 2 All E.R. 956, C.A. *Considered*, Reuter (R. J.) Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789, C.A. *Reversed*, Bank voor Handel en Scheepvaart N. V. *v.* Administrator of Hungarian Property [1954] A.C. 584; [1954] 2 W.L.R. 867, H.L.

Bankes *v.* Jarvis [1903] 1 K.B. 549; 19 T.L.R. 190, D.C. *Dicta of Lord Alverstone C.J. and Channell J. applied*, Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755, C.A.

Bankruptcy Notice (No. 171 of 1934), In re [1934] Ch. 431; sub nom. In re Judgment Debtor (No. 171 of 1934), 50 T.L.R. 333, C.A. *Applied*, In re A Debtor (No. 66 of 1955) [1956] 1 W.L.R. 481. *Considered*, In re A Debtor (No. 80 of 1957) [1958] Ch. 81; [1957] 3 W.L.R. 184, C.A.

Banks *v.* Wooler (1900) 81 L.T. 785, D.C. *Dictum of Channell J. disapproved*, Evans *v.* Jones [1953] 1 W.L.R. 1056, D.C.

Banque des Marchands de Moscou (Koupetschesky), In re, Royal Exchange Assurance *v.* The Liquidator, Wilenkin *v.* The Liquidator [1952] W.N. 151; [1952] 1 T.L.R. 739; [1952] 1 All E.R. 1269. *Applied*, In re Banque des Marchands de Moscou (Koupetschesky) (No. 2) [1954] 1 W.L.R. 1108

Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] 1 Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A. *Followed*, In re Azoff-Don Commercial Bank [1954] Ch. 315; [1954] 2 W.L.R. 654

Banque Industrielle de Moscou, In re [1952] Ch. 919; [1952] 2 T.L.R. 406; [1952] 2 All E.R. 532. *Not applied*, In re Banque des Marchands de Moscou (Koupetschesky). In re Moscow Merchants' Trading Co. [1958] Ch. 182; [1957] 3 W.L.R. 638

Barber *v.* Lamb (1860) 8 C.B.N.S. 95. *Distinguished*, Kohnke *v.* Karger [1951] 2 K.B. 670; [1951] 2 T.L.R. 40; [1951] 2 All E.R. 179

Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181; [1958] 1 All E.R. 322. *Applied*, Potato Marketing Board *v.* Merricks [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135

Barbour's Policies of Assurance, In re. Westminster Bank *v.* Inland Revenue Commissioners [1956] Ch. 53; [1955] 3 W.L.R. 457; [1955] 3 All E.R. 41. *Reversed* [1956] Ch. 452; [1956] 2 W.L.R. 735; [1956] 1 All E.R. 627, C.A. Reversed, sub nom. Westminster Bank *v.* Inland Revenue Commissioners. Wrightson *v.* Same [1958] A.C. 210; [1957] 3 W.L.R. 428, H.L.

Barclays Bank *v.* Attorney-General [1944] A.C. 372; 60 T.L.R. 531; [1944] 2 All E.R. 208, H.L. *Distinguished*, In re Oakes' Settlement. Public Trustee *v.* Inland Revenue Commissioners [1951] Ch. 156; (1950) 66 T.L.R. (Pt. 2) 831; [1950] 2 All E.R. 851. *Considered*, In re Hodge's Policy. Hodge *v.* Inland Revenue Commissioners [1957] 2 W.L.R. 787. *Explained* [1957] Ch. 339; [1957] 3 W.L.R. 959, C.A.

Barclays Bank *v.* Beck [1952] 2 Q.B. 47; [1952] 1 T.L.R. 595; [1952] 1 All E.R. 549, C.A. *Considered and applied*, Lloyds Bank *v.* Margolis [1954] 1 W.L.R. 644

Barclays Bank *v.* Ewing. *See* In re Fletcher.

Barclays Bank Ltd. *v.* Inland Revenue Comrs. [1959] Ch. 659; [1959] 3 W.L.R. 240; [1959] 3 All E.R. 140. *Decision of the Court of Appeal affirmed* [1960] 3 W.L.R. 280. *Considered*, Inland Revenue Comrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414

Barclays Bank *v.* Staughton. *See* In re Spensley's Will Trusts.

Barker *v.* Barker [1949] P. 219; 65 T.L.R. 49; [1949] 1 All E.R. 247, D.C. *Considered*, Foster *v.* Foster [1953] P. 67; [1953] 3 W.L.R. 623, D.C.

Barker *v.* Palmer (1881) 8 Q.B. 9, D.C. *Explained*, R. *v.* Comptroller-General of Patents and Designs, ex parte Parke, Davis & Co. [1953] 2 Q.B. 48; [1953] 2 W.L.R. 760

Barkway *v.* South Wales Transport Co. [1949] 1 K.B. 54; 64 T.L.R. 462; [1948] 2 All E.R. 460, C.A.; *reversed* [1950] A.C. 185; 66 T.L.R. (Pt. 1) 597, H.L. *Principle formulated by Asquith L.J. applied*, Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342, C.A. *Observations of Asquith L.J. considered*, Kelleher *v.* T. Wall & Sons [1958] 2 Q.B. 346; [1958] 3 W.L.R. 236

Barnard *v.* National Dock Labour Board [1952] 2 T.L.R. 309; [1952] 2 All E.R. 424. *Affirmed in part and reversed in part* [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995, C.A. *Followed*, Healey *v.* Minister of Health [1954] 2 Q.B. 221; [1954] 3 W.L.R. 222. *Applied*, Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 291; Vine *v.* National Assistance Dock Labour Board [1957] A.C. 488; [1957] 2 W.L.R. 107, H.L. *Followed and distinguished*, Vine *v.* National Dock Labour Board [1956] 1 Q.B. 658; [1956] 2 W.L.R. 312

Barnard-Argue-Roth-Stearns Oil and Gas Co. *v.* Farquharson [1912] A.C. 864; 28 T.L.R. 590, P.C. *Considered*, Micheal Borys *v.* Canadian Pacific Railway Co. [1953] A.C. 217; [1953] 2 W.L.R. 224, P.C.

Barnardo *v.* Ford. Gossage's Case [1892] A.C. 326; 8 T.L.R. 728. *Distinguished*, Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, C.A.

Barnardo *v.* McHugh [1891] A.C. 388; 7 T.L.R. 726, H.L. *Distinguished*, In re Aster [1955] 1 W.L.R. 466, C.A.

Barnardo's Homes *v.* Special Income Tax Commissioners [1921] 2 A.C. 1; 27 T.L.R. 540, H.L. *Considered and explained*, Cunliffe-Owen, In re, Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120, C.A.

Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229; [1954] 3 All E.R. 698. *Distinguished*, Bevan *v.* Bevan [1955] 1 W.L.R. 1142. *Followed*, Fishburn *v.* Fishburn [1955] P. 29; [1955] 2 W.L.R. 237. *Criticised and distinguished*, Beigan *v.* Beigan [1956] P. 313; [1956] 3 W.L.R. 282, C.A.

Barnett *v.* Blumka. *See* In re Gestetner Settlement.

Barnett's Trusts, In re [1902] 1 Ch. 847; 18 T.L.R. 454. *Applied*, Maldonado, decd., In the Estate of, State of Spain *v.* Treasury Solicitor [1953] 3 W.L.R. 204; [1954] P. 223; [1954] 2 W.L.R. 64, C.A.

Barr Crombie & Co. *v.* Inland Revenue Commissioners, 1945 S.C. 271. *Distinguished*, Household *v.* Grimshaw [1953] 1 W.L.R. 710. Wiseburgh *v.* Domville (Inspector of Taxes) [1956] 1 W.L.R. 312. *Considered*, Wiseburgh *v.* Domville (Inspector of Taxes) [1955] 3 W.L.R. 1287

Barraclough *v.* Brown [1897] A.C. 615; 13 T.L.R. 527, H.L. *Distinguished*, Pyx Granite Co. *v.* Ministry of Housing and Local Government [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371; [1959] 3 W.L.R. 346, H.L.

Barras *v.* Aberdeen Steam Trawling and Fishing Co. [1933] A.C. 402; 49 T.L.R. 391. *Considered*, Welham *v.* Director of Public Prosecutions [1961] A.C. 103; [1960] 2 W.L.R. 669, 678

Barratt *v.* Gough-Thomas [1950] W.N. 178. *Affirmed* [1951] Ch. 242; 66 T.L.R. (Pt. 2) 1059; [1950] 2 All E.R. 1048, C.A.

Barratt *v.* Kearns [1905] 1 K.B. 504; 21 T.L.R. 212, C.A. *Considered*, Addis *v.* Crocker [1961] 1 Q.B. 11; [1960] 3 W.L.R. 339

Barrett, Ex parte (1865) 12 L.T. 193. *Distinguished*, In re a Debtor (No. 66 of 1955) [1956] 1 W.L.R. 1227, C.A.

Barron *v.* Littman [1953] A.C. 96; [1952] 2 T.L.R. 445; [1952] 2 All E.R. 548; 33 T.C. 373, H.L. *Considered*, Tollemache Settled Estates Trustees *v.* Coughtrie [1960] Ch. 475; [1960] 2 W.L.R. 825

Barrow *v.* Isaacs & Son [1891] 1 Q.B. 417; 7 T.L.R. 175, C.A. *Considered*, Warner *v.* Sampson [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212

Barry *v.* Butlin (1838) 2 Moo.P.C. 480. *Applied*, In re R., decd. [1951] P. 10; (1950) 66 T.L.R. (Pt. 2) 26; [1950] 2 All E.R. 117; Wintle *v.* Nye [1959] 1 W.L.R. 284, H.L.

Bartholomew *v.* Bartholomew [1952] W.N. 535; [1952] 2 T.L.R. 934; [1952] 2 All E.R. 1035, C.A. *Considered*, Marjoram *v.* Marjoram [1955] 1 W.L.R. 520

Bartleman *v.* Murchison (1831) 2 Russ. & M. 136, L.C. *Applied*, In re Allen, decd., Faith *v.* Allen (No. 2) [1954] 1 Ch. 259; [1954] 2 W.L.R. 333

Barton *v.* Fincham [1921] 2 K.B. 291; 37 T.L.R. 386, C.A. *Dicta of Bankes and Scrutton L.JJ. applied*, R. M. R. Housing Society Ltd. *v.* Combs [1951] 1 K.B. 486; [1951] 1 T.L.R. 1; [1951] 1 All E.R. 16, C.A. *Distinguished*, Rajenback *v.* Mamon [1955] 1 Q.B. 283; [1955] 2 W.L.R. 21

Barton *v.* London and North Western Railway Co. (1889) 24 Q.B.D. 77; 6 T.L.R. 70, C.A. *Applied*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Barton *v.* North Staffordshire Railway Co. (1888) 38 Ch.D. 458; 4 T.L.R. 403. *Applied*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Bartram *v.* Bartram [1950] P. 1; 65 T.L.R. 492; [1949] 2 All E.R. 270, C.A. *Applied*, Whitney *v.* Whitney [1951] P. 250; [1951] 1 T.L.R. 493; [1951] 1 All E.R. 301. *Distinguished*, Viney *v.* Viney [1951] P. 457; [1951] 2 T.L.R. 705; [1951] 2 All E.R. 204, D.C. *Distinguished*, Bull *v.* Bull [1953] P. 224; [1953] 3 W.L.R. 326, C.A.

Baschet *v.* London Illustrated Standard [1900] 1 Ch. 73. *Distinguished*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

Bassett, In re [1896] 1 Q.B. 219. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Bassil *v.* Lister (1851) 9 Hare 177. *Applied*, In re A. E. G. Unit Trust (Managers) Deed [1957] Ch. 415; [1957] 3 W.L.R. 96

Bastable *v.* Little [1907] 1 K.B. 59; 23 T.L.R. 38, D.C. *Distinguished*, Hinchliffe *v.* Sheldon [1955] 1 W.L.R. 1207, D.C.

Basted *v.* Cozens & Sutcliffe [1954] 1 W.L.R. 1069; [1954] 2 All E.R. 1095. *Distinguished*, Bragg *v.* Crosville Motor Services and Others [1959] 1 W.L.R. 324, C.A.

Bastin *v.* Davies [1950] 2 K.B. 579; 66 T.L.R. (Pt. 2) 719; [1950] 1 All E.R. 1095, C.A. *Considered*, Moore *v.* Ray [1951] 1 K.B. 98; (1950) 66 T.L.R. (Pt. 2) 721; [1950] 2 All E.R. 561, D.C.

Batchelar *v.* Evans [1939] Ch. 1007; [1939] 3 All E.R. 606. *Approved*, Marsden *v.* Regan [1954] 1 W.L.R. 423, C.A.

Batchelor *v.* Murphy [1926] A.C. 63; 42 T.L.R. 112. *Applied*, Griffith *v.* Pelton [1958] Ch. 205; [1957] 3 W.L.R. 523, C.A.

Bater *v.* Bater [1951] P. 35: 66 T.L.R. (Pt. 2) 589; [1950] 2 All E.R. 458, C.A. *Applied*, Hornal *v.* Neuberger Products [1957] 1 Q.B. 247; [1956] 3 W.L.R. 1035, C.A.

Bates, In re [1928] Ch. 682. *Distinguished*, In re Duff's Settlements [1951] Ch. 923; [1951] 2 T.L.R. 735; [1951] 1 All E.R. 869, C.A.

Bates *v.* Bates (1888) 14 P.D. 17; 5 T.L.R. 155, C.A. *Distinguished*, Farrant *v.* Farrant [1957] P. 188; [1957] 2 W.L.R. 135

Bates *v.* Parker [1952] 2 All E.R. 987. *Reversed* [1953] 2 Q.B. 231; [1953] 2 W.L.R. 642

Bates *v.* Stone Parish Council [1954] 1 W.L.R. 1249; [1954] 3 All E.R. 38, C.A. *Distinguished*, Dyer *v.* Ilfracombe Urban District Council [1956] 1 W.L.R. 219, C.A.

Bath *v.* British Transport Commission [1954] 1 W.L.R. 1013, 1015; [1954] 2 All E.R. 542, C.A. *Applied*, Cherry *v.* International Alloys Ltd. [1961] 1 Q.B. 136; [1960] 3 W.L.R. 563; Kimpton *v.* Steel Co. of Wales Ltd. [1960] 1 W.L.R. 527; Stephens *v.* Cuckfield R. D. C. [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248

Battersby *v.* Anglo-American Oil Co. [1945] K.B. 23; 61 T.L.R. 13; [1944] 2 All E.R. 387, C.A. *Distinguished*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028. *Dictum of Goddard L.J. not followed*, Sheldon *v.* Brown Bayley's Steel Works and Dawnays [1953] 2 Q.B. 393; [1953] 3 W.L.R. 532, C.A. *Applied*, E. *v.* C. Ex parte E. [1959] 1 W.L.R. 692

Battersea Borough Council *v.* British Iron and Steel Research Association [1949] 1 K.B. 434; 65 T.L.R. 183, C.A. *Distinguished*, Institute of Fuel *v.* Morley (Valuation Officer) and St. Marylebone Metropolitan Borough Council [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157, C.A.; *Considered*, Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 3 W.L.R. 978

Batting *v.* London Passenger Transport Board [1941] 1 All E.R. 228, C.A. *Considered*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028

Battle *v.* Attorney-General [1949] P. 358. *Applied*, Seappatrici *v.* Attorney-General [1955] P. 47;

Batty, In re [1952] Ch. 280; [1952] 1 T.L.R. 412; [1952] 1 All E.R. 425. *Discussed and distinguished*, In re Bransbury, decd. [1954] 1 W.L.R. 496

Baume & Co. *v.* Moore (A. H.) [1958] Ch. 137; [1957] 3 W.L.R. 870; [1957] 3 All E.R. 416. *Decision of Danckwerts J. reversed* [1958] Ch. 907; [1958] 2 W.L.R. 797

Baxendale *v.* Murphy [1924] 2 K.B. 494; 40 T.L.R. 784. *Distinguished*, Dale *v.* Inland Revenue Commissioners [1951] Ch. 893; [1951] 2 T.L.R. 522; [1951] 2 All E.R. 517

Baxter *v.* Baxter [1948] A.C. 274; 64 T.L.R. 8; [1947] 2 All E.R. 886. *Dictum of Viscount Jowitt L.C. applied*, Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1956] P. 115; [1955] 3 W.L.R. 850, C.A.

Baxter *v.* Gapp & Co. [1939] 2 K.B. 271; 55 T.L.R. 739, C.A. *Distinguished*, Philips *v.* Ward [1956] 1 W.L.R. 471, C.A.

Baxters and Midland Railway Co., In re (1906) 22 T.L.R. 616, C.A. *Dictum of Fletcher Moulton L.J. applied*, Margulies Brothers *v.* Dafnis Thomaides & Co. (U.K.) [1958] 1 W.L.R. 398

Beadsley *v.* United Steel Companies [1951] 1 K.B. 408; 66 T.L.R. (Pt. 2) 902; [1950] 2 All E.R. 872, C.A. *Applied*, Gledhill *v.* Liverpool Abattoir Utility Co. [1957] 1 W.L.R. 1029, C.A.

Beal *v.* Beal (Reade cited) [1953] 1 W.L.R. 1365; [1953] 2 All E.R. 1228n. *Considered*, Gilbert *v.* Gilbert and Abdon (Adams intervening) [1958] P. 131; [1958] 2 W.L.R. 8

Beal *v.* Kelley [1951] 2 T.L.R. 865; [1951] 2 All E.R. 763, D.C. *Distinguished*, Director of Public Prosecutions *v.* Rogers [1953] 1 W.L.R. 1017, D.C.

Beale, In re (1876) 4 Ch.D. 246. *Followed*, In re Meade (A Bankrupt) [1951] Ch. 774; [1951] 2 T.L.R. 111; [1951] 2 All E.R. 168, D.C.

Beaman *v.* A. R. T. S. [1949] 1 K.B. 550; 65 T.L.R. 389; [1949] 1 All E.R. 465, C.A. *Applied*, Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265, C.A.; Kitchen *v.* Royal Air Force Association [1958] 1 W.L.R. 563, C.A.

Beamish *v.* Beamish (1861) 9 H.L.Cas. 274, H.L. *Considered*, Hill (Ernest Clarence) *v.* Hill (Ernest Carlton) [1959] 1 W.L.R. 127, P.C.

Beard *v.* Beard [1946] P. 8; 61 T.L.R. 555; [1945] 2 All E.R. 306, C.A. *Considered*, Cade *v.* Cade [1957] 1 W.L.R. 570, D.C. *Applied*, Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 802, C.A.

Beard *v.* Porter [1948] 1 K.B. 321; 63 T.L.R. 543; [1947] 2 All E.R. 407, C.A. *Applied*, Harvey *v.* Crawley Development Corporation [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332, C.A.

Beaulieu *v.* Finglam (1401) Y.B. 2 Hen. 4, fo. 18, pl. 6. *Considered*, Balfour *v.* Barty-King [1957] 1 Q.B. 496; [1957] 2 W.L.R. 84, C.A.

Beaumont, In re [1913] 1 Ch. 325. *Distinguished*, In re Playfair, decd. [1951] Ch. 4; 66 T.L.R (Pt. 1) 1203; [1950] 2 All E.R. 285

Beaumont's Will Trusts, In re [1950] Ch. 462; 66 T.L.R. (Pt. 1) 762; [1950] 1 All E.R. 802. *Not followed*, In re Midgley, decd., Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119. *Considered*, In re Berrey's Will Trusts. Greening *v.* Waters [1959] 1 W.L.R. 30

Bebington's Tenancy, In re, Bebington *v.* Wildman [1921] 1 Ch. 559; 37 T.L.R. 409. *Followed*, Woodward *v.* Earl of Dudley [1954] 1 Ch. 283; [1954] 1 W.L.R. 476

Bebro, In re [1900] 2 Q.B. 316. *Applied*, In re Majory, A Debtor, Ex parte The Debtor *v.* F. A. Dumont [1955] Ch. 600; [1955] 2 W.L.R. 1035, C.A.

Beddington, In re [1900] 1 Ch. 771; 16 T.L.R. 291. *Applied but doubted*, In re Dawson's Will Trusts. National Provincial Bank *v.* National Council for the Y.M.C.A. Incorporated [1957] 1 W.L.R. 391

Bedford (Duke of) *v.* Ellis [1901] A.C. 1; 17 T.L.R. 139, H.L. *Considered and distinguished*, Smith *v.* Cardiff Corporation [1954] 1 Q.B. 210; [1953] 3 W.L.R. 994, C.A.

Beer *v.* Beer [1948] P. 10; 63 T.L.R. 606; [1947] 2 All E.R. 711. *Applied*, Elliott *v.* Elliott [1956] P. 160; [1956] 2 W.L.R. 220, C.A.

Beer *v.* Davies [1958] 2 Q.B. 187; [1958] 2 W.L.R. 920; [1958] 2 All E.R. 255, D.C. *Distinguished*, Layton *v.* Shires [1960] 2 Q.B. 294; [1959] 3 W.L.R. 949, D.C.

Beevis *v.* Dawson [1956] 2 Q.B. 165; [1956] 3 W.L.R. 161; [1956] 2 All E.R. 371. *Reversed* [1956] 2 Q.B. 165; [1956] 3 W.L.R. 1017, C.A.

Begg *v.* Cooper (1878) 40 L.T. 29. *Applied*, Les Fils Dreyfus et Cie S/A *v.* Clarke [1958] 1 W.L.R. 300, C.A.

Behrens *v.* Bertram Mills Circus [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404; [1957] 1 All E.R. 583. *Discussed*, Kirkham *v.* Boughey [1958] 2 Q.B. 338; [1957] 3 W.L.R. 626. *Explained*, McNeill *v.* Johnstone [1958] 1 W.L.R. 888

Beigan *v.* Beigan [1956] 3 W.L.R. 281; [1956] 2 All E.R. 630, C.A. *Applied*, Roe *v.* Roe [1956] 1 W.L.R. 1380, D.C.

Belcher, In re [1950] V.L.R. 11. *Overruled*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Belcher *v.* Reading Corporation [1950] Ch. 380; 65 T.L.R. 773; [1949] 2 All E.R. 969. *Applied*, Summerfield *v.* Hampstead Borough Council [1957] 1 W.L.R. 167

Bell & Co. *v.* Antwerp, London and Brazil Line [1891] 1 Q.B. 103. *Applied*, Cuban Atlantic Sugar Sales Corpn. *v.* Compania de Vapores San Elefterio Limitada [1960] 1 Q.B. 187; [1960] 2 W.L.R. 26

Bell *v.* Federal Commissioner of Taxation (1953) 87 C.L.R. 548. *Approved*, Newton *v.* Commissioner of Taxation of the Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195, P.C.

Bell *v.* Lever Bros. [1932] A.C. 161; 48 T.L.R. 133, H.L. *Considered*, Harrison & Jones *v.* Bunten & Lancaster [1953] 1 Q.B. 646; [1953] 2 W.L.R. 840. *Applied*, Sheikh Bros. *v.* Ochsner [1957] A.C. 136; [1957] 2 W.L.R. 255, P.C.

Bellaman, The. The Agostino Bertani [1948] W.N. 370; [1948] 2 All E.R. 679. *Distinguished*, The Hermes [1951] P. 347; [1951] 2 T.L.R. 54. *Applied*, Schiffahrt-Treuhand, G.m.b.H. *v.* H.M. Procurator-General [1953] A.C. 232; [1953] 2 W.L.R. 209, P.C.

Bellenden *v.* Satterthwaite [1948] 1 All E.R. 343, C.A. *Applied*, Powell *v.* Powell [1951] P. 257, C.A.

Bellingham *v.* Bloommetje (1874) Buch. 36. *Applied*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Bellshill and Mossend Co-operative Society Ltd. *v.* Dalziel Co-operative Society Ltd., 1959 S.L.T. 150. *Decision of the First Division of the Court of Session affirmed* [1960] A.C. 832; [1960] 2 W.L.R. 580

Belsize Motor Supply Co. *v.* Cox [1914] 1 K.B. 244. *Distinguished*, United Dominions Trust (Commercial) *v.* Parkway Motors [1955] 1 W.L.R. 719

Belton *v.* London County Council (1893) 62 L.J.Q.B. 222; 9 T.L.R. 232, D.C. *Applied*, Personal Representatives of Tull, decd. *v.* Secretary of State for Air [1957] 1 Q.B. 523; [1957] 2 W.L.R. 346, C.A.

Bendall *v.* McWhirter [1952] 2 Q.B. 466; [1952] 1 T.L.R. 1332; [1952] 1 All E.R. 1307, C.A. *Applied*, Bradley-Hole *v.* Cusen [1953] 1 Q.B. 300; [1953] 2 W.L.R. 193, C.A. Street *v.* Denham [1954] 1 W.L.R. 624, D.C. *Referred to*, R. *v.* Twickenham Rent Tribunal, Ex parte Dunn [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517. *Explained*, Westminster Bank *v.* Lee [1956] Ch. 7; [1955] 3 W.L.R. 376. *Followed*, Coles *v.* Coles [1957] P. 68; [1956] 3 W.L.R. 862. *Considered*, Armstrong *v.* Sheppard and Short [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84, C.A.; Short *v.* Short [1960] 1 W.L.R. 833

Benett-Stanford Settlement Trusts, In re [1947] L.J.R. 1073. *Distinguished*, In re Rogers' Settlement [1951] Ch. 450; [1951] 1 All E.R. 236

Benham *v.* Gambling [1941] A.C. 157; [1941] 1 All E.R. 7; 57 T.L.R. 177, H.L. *Applied*, Richards *v.* Highways Ironfounders (West Bromwich) [1955] 1 W.L.R. 1050, C.A.; *Distinguished*, Oliver *v.* Ashman [1961] 1 Q.B. 337; [1960] 3 W.L.R. 924

Benmax *v.* Austin Motor Co. [1955] A.C. 370; [1955] 2 W.L.R. 418; [1955] 1 All E.R. 326. *Considered*, Akerhielm *v.* De Mare [1959] A.C. 789; [1959] 3 W.L.R. 108, P.C.; Felix *v.* General Dental Council [1960] A.C. 704; [1960] 2 W.L.R. 934

Benn, In re (1885) 29 Ch.D. 839, P.C. *Applied*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Benn *v.* Kamm & Co. [1952] 1 T.L.R. 57; [1952] 1 All E.R. 46. *Reversed* [1952] 2 Q.B. 127; [1952] 1 T.L.R. 873; [1952] 1 All E.R. 833, C.A. *Followed*, Dickson *v.* Flack [1953] 2 Q.B. 464; [1953] 3 W.L.R. 571, C.A. *Applied*, Stringer *v.* Automatic Woodturning Co. [1955] 1 W.L.R. 972; [1956] 1 W.L.R. 139, C.A. *Applied and dictum of Somervell and Denning L.JJ. considered*, Quinn *v.* Horsfall and Bickham [1956] 1 W.L.R. 265, 653, C.A. *Distinguished*, Automatic Woodturning Co. *v.* Stringer [1957] A.C. 544; [1957] 2 W.L.R. 203, H.L.

Bennett *v.* Bennett [1952] 1 K.B. 249; [1952] 1 T.L.R. 400; [1952] 1 All E.R. 413, C.A. *Distinguished*, Addison *v.* Brown [1954] 1 W.L.R. 779. *Applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130. *Referred to*, In re Tennant's Application [1956] 1 W.L.R. 874, C.A.

Bennett *v.* Brumfitt (1867) L.R. 3 C.P. 28. *Applied*, Goodman *v.* Eban (J.) [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581, C.A.

Bennett *v.* Marshall [1938] 1 K.B. 591; 54 T.L.R. 320; [1938] 1 All E.R. 93, C.A. *Approved*, Bray *v.* Colenbrander [1953] A.C. 503; [1953] 2 W.L.R. 927, H.L.

Bennett *v.* Ogston (1930) 15 T.C. 374. *Distinguished*, Carson (Inspector of Taxes) *v.* Cheyney's Executor [1957] 3 W.L.R. 344; [1958] Ch. 345; [1957] 3 W.L.R. 768, C.A.

Bennett, Walden & Co. *v.* Wood (1950) 66 T.L.R. (Pt. 2) 3; [1950] 2 All E.R. 134, C.A. *Applied*, Christie, Owen and Davies *v.* Stockton [1953] 1 W.L.R. 1353

Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1950] S.L.R. (Can.) 450. *Reversed* [1951] A.C. 786, P.C.

Bennetts & Co. *v.* Brown [1908] 1 K.B. 490; 24 T.L.R. 199. *Considered*, Alvion Steamship Corporation Panama *v.* Galban Lobo Trading Co., S.A. of Havana [1955] 1 Q.B. 430; [1954] 3 W.L.R. 618

Bensaude *v.* Thames and Mersey Marine Insurance Co. [1897] A.C. 609; 13 T.L.R. 501, H.L. *Considered*, Atlantic Maritime Co. Inc. *v.* Gibbon [1954] 1 Q.B. 105; [1953] 3 W.L.R. 714, C.A.

Benson *v.* Benson [1941] P. 90; 57 T.L.R. 578; [1941] 2 All E.R. 335. *Considered*, Bithell *v.* Bithell [1955] P. 76; [1954] 3 W.L.R. 463

Benz et Cie Rheinische Automobile und Moteren Fabrik Act, In re (1913) 29 T.L.R. 295, C.A. *Considered*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Benzon, In re [1914] 2 Ch. 68; 30 T.L.R. 435, C.A. *Considered*, Cotterell *v.* Price [1960] 1 W.L.R. 1097

Berchtold, In re [1923] 1 Ch. 192. *Considered*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Berendsen (S.) *v.* I. R. C. [1957] 2 W.L.R. 447; [1957] 1 All E.R. 727. *Decision of Wynn-Parry J. reversed* [1958] Ch. 1; [1957] 3 W.L.R. 164; [1957] 2 All E.R. 612, C.A. *Considered*, Barclays Bank *v.* I. R. C. [1959] Ch. 341; [1959] 2 W.L.R. 99.

Beresford, In re (1952) 36 Cr.App.R. 1. *Explained*, R. *v.* Nuneaton Justices, Ex parte Parker [1954] 1 W.L.R. 1318, D.C.

Beresford *v.* Royal Insurance Co. [1938] A.C. 586; 54 T.L.R. 789; [1939] 2 All E.R. 602, H.L. *Distinguished*, St. John Shipping Corporation *v.* Joseph Rank [1957] 1 Q.B. 267; [1956] 3 W.L.R. 871; Pigney *v.* Pointer's Transport [1957] 1 W.L.R. 1122

Berg *v.* Saddler & Moore [1937] 2 K.B. 158; 53 T.L.R. 430; [1937] 1 All E.R. 637. *Applied*, Bigos *v.* Boustead [1951] 1 All E.R. 92

Berkeley *v.* Berkeley [1946] A.C. 555; 62 T.L.R. 478; [1946] 2 All E.R. 154, H.L. *Applied*, Saunders *v.* Inland Revenue Commissioners [1956] Ch. 283; [1955] 3 W.L.R. 930; *referred to*, [1956] Ch. 509; [1956] 3 W.L.R. 548, C.A. *Considered*, sub nom. Inland Revenue Commissioners *v.* Saunders [1958] A.C. 285; [1957] 3 W.L.R. 475, H.L. *Distinguished*, In re The Duke of Westminster's Deed of Appointment, Kerr *v.* Duchess of Westminster [1959] Ch. 265; [1959] 2 W.L.R. 299, C.A.

Berker Sportscrafts' Agreement, In re (1947) 177 L.T. 420. *Considered*, Martin-Baker Aircraft Co. *v.* Canadian Flight Equipment, Same *v.* Murison [1955] 2 Q.B. 556; [1955] 3 W.L.R. 213

Berkhamsted Grammar School, In re [1908] 2 Ch. 25; 24 T.L.R. 514. *Considered and applied*, London Parochial Charities Trustees *v.* Attorney-General [1955] 1 W.L.R. 42

Berkovits & Co. *v.* Monks (1956) 16 L.J. 332. *Not followed*, In re No. 88 High Road, Kilburn [1959] 1 W.L.R. 279

Bernard's Settlement, In re [1916] 1 Ch. 552. *Distinguished*, In re Murray, decd. [1956] 1 W.L.R. 606

Berriman *v.* London and North Eastern Railway Co. [1946] A.C. 278; 62 T.L.R. 170; [1946] 2 All E.R. 255. *Applied*, Cade *v.* British Transport Commission [1957] 1 W.L.R. 947, C.A.

Berry *v.* Gaukroger [1903] 2 Ch. 116; 19 T.L.R. 445, C.A. *Applied*, In re Lander, decd. [1951] Ch. 546; [1951] 1 T.L.R. 456; [1951] 1 All E.R. 622; *Distinguished*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A.

Berry *v.* Geen [1938] A.C. 575; sub nom. In re Blake, Berry *v.* Geen, 54 T.L.R. 703; [1938] 2 All E.R. 362, H.L. *Applied*, Robb, decd., In re, Marshall *v.* Marshall [1953] Ch. 459; [1953] 2 W.L.R. 819. *Applied*, In re Wragg, decd. [1959] 1 W.L.R. 922, C.A.

Berry *v.* St. Marylebone Borough Council [1958] 1 Ch. 406; [1957] 3 W.L.R. 1029; [1957] 3 All E.R. 677. *Applied*, Working Men's Club and Institute Union *v.* Swansea Corporation [1958] 1 W.L.R. 1135, D.C. *Considered*, Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 96, D.C.

Besant *v.* German Reich. *See* In re Robinson.

Bessant *v.* Great Western Railway Co. (1860) 8 C.B.N.S. 368. *Distinguished*, Cooper *v.* Railway Executive [1953] 1 W.L.R. 223

Best *v.* Samuel Fox & Co. [1952] A.C. 716; [1952] 2 T.L.R. 246; [1952] 2 All E.R. 394, H.L. *Dictum of Lord Goddard C.J. applied*, Lampert *v.* Eastern National Omnibus Co. [1954] 1 W.L.R. 1047. *Followed*, Kirkham *v.* Boughey [1958] 2 Q.B. 338; [1957] 3 W.L.R. 626. *Applied*, Winchester *v.* Fleming [1958] 1 Q.B. 259; [1957] 3 W.L.R. 1024, H.L.

Betts *v.* Penge Urban District Council [1942] 2 K.B. 154; 58 T.L.R. 283; [1942] 2 All E.R. 61, D.C. *Distinguished on the facts*, Springett *v.* Harold [1954] 1 W.L.R. 521

Betts *v.* Stevens [1910] 1 K.B. 1; 26 T.L.R. 5, D.C. *Distinguished*, Hinchcliffe *v.* Sheldon [1955] 1 W.L.R. 1207, D.C.

Betty's Cafés *v.* Phillips Furnishing Stores [1957] 1 Ch. 67; [1956] 3 W.L.R. 1134; [1957] 1 All E.R. 1, C.A.; reversing [1956] 1 W.L.R. 678; 100 S.J. 435; [1956] 2 All E.R. 497. *Decision of the Court of Appeal affirmed* [1959] A.C. 20; [1958] 2 W.L.R. 513, H.L. *Considered*, Wine Shippers (London) Ltd. *v.* Bath House Syndicate Ltd. [1960] 1 W.L.R. 613

Bevan *v.* Bevan (No. 2) [1955] 1 W.L.R. 1142; [1955] 3 All E.R. 332, D.C. *Approved*, Beigan *v.* Beigan [1956] P. 313; [1956] 3 W.L.R. 282, C.A.

Bevis *v.* Bevis [1935] P. 22; 50 T.L.R. 596. *Applied*, Schlesinger *v.* Schlesinger [1958] 1 W.L.R. 882

Bibby (J.) & Sons *v.* Inland Revenue Commissioners, 60 T.L.R. 369; [1944] 1 All E.R. 548: affirmed sub. nom. I. R. C. *v.* Bibby & Sons, 61 T.L.R. 430, H.L. *Followed*, Inland Revenue Commissioners *v.* Silverts Ltd. [1951] Ch. 521; [1951] 1 T.L.R. 593, C.A. *Applied*, S. Berendsen *v.* Inland Revenue Commissioners [1958] Ch. 1; [1957] 3 W.L.R. 164, C.A.

Biddle *v.* Hart [1907] 1 K.B. 649; 23 T.L.R. 262, C.A. *Applied*, Wilson *v.* Tyneside Window Cleaning Co. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900, C.A.

Bideford Parish, In re, Ex parte Bideford (Rector, etc.) [1900] P. 314; 16 T.L.R. 540. *Applied*, In re St. Mark's Church, Lincoln [1956] P. 166; [1955] 3 W.L.R. 844; [1956] P. 336; [1956] 3 W.L.R. 147

Biggin & Co. Ltd. *v.* Permanite Ltd. [1951] 1 K.B. 422; [1950] 2 All E.R. 859. *Reversed* [1951] 2 K.B. 314; [1951] 2 T.L.R. 159; [1951] 2 All E.R. 191, C.A.

Biggs, In re [1945] N.Z.L.R. 303. *Applied*, Allen, decd., In re, Faith *v.* Allen [1953] Ch. 116; [1953] 2 W.L.R. 244

Bilbee *v.* Hasse & Co. (1889) 5 T.L.R. 677. *Considered*, Sellers *v.* London Counties Newspapers [1951] 1 K.B. 784; [1951] 1 All E.R. 544, C.A.

Biles *v.* Caesar [1957] 1 W.L.R. 156; [1957] 1 All E.R. 151, C.A. *Applied*, In re 395 Brixton Road, Brixton. Bolton's (House Furnishers) *v.* Oppenheim [1959] 1 W.L.R. 685, 913, C.A.

Billam *v.* Griffith [1941] 23 T.C. 757. *Dictum of Lawrence J. applied*, Higgs (Inspector of Taxes) *v.* Olivier [1951] Ch. 899; [1951] 2 T.L.R. 298

Billingham *v.* Hughes [1949] 1 K.B. 643; 65 T.L.R. 246; [1949] 1 All E.R. 684, C.A. *Followed*, W. Rought *v.* West Suffolk County Council [1955] 2 Q.B. 338; [1955] 2 W.L.R. 1080, C.A. *Overruled*, British Transport Commission *v.* Gourley [1956] A.C. 185; [1956] 2 W.L.R. 42, H.L.

Birch *v.* Birch (1873) 28 L.T. 540. *Distinguished*, Wright *v.* Wright [1960] P. 85; [1960] 2 W.L.R. 499

Birch *v.* Cropper, (1889) 14 App.Cas. 525; 5 T.L.R. 722, H.C. *Considered and applied*, Inland Revenue Commissioners *v.* Pollock & Peel (In Liquidation) [1956] 1 W.L.R. 953

Bird, Ex parte (1851) 4 De G. & Sm. 273. *Applied*, Nizam of Hyderabad and State of Hyderabad *v.* Jung [1957] Ch. 185; [1957] 2 W.L.R. 218, C.A.

Bird *v.* Brown (1850) 4 Exch.R. 786. *Applied*, Commercial Banking Co. of Sydney *v.* Mann [1961] A.C. 1; [1960] 3 W.L.R. 726

Bird *v.* Hildage [1948] 1 K.B. 91; 63 T.L.R. 405; [1947] 2 All E.R. 7, C.A. *Distinguished*, Zbytniewski *v.* Broughton [1956] 2 Q.B. 673; [1956] 3 W.L.R. 630, C.A.

Bird *v.* Randall (1762) 3 Burr. 1345. *Applied*, Jones Brothers (Hunstanton) *v.* Stevens [1955] 1 Q.B. 275; [1954] 3 W.L.R. 953, C.A.

Birkdale District Electric Supply Co. *v.* Southport Corporation [1926] A.C. 355; 42 T.L.R. 303, H.L. *Applied*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 1 W.L.R. 429, 1023, C.A.; [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

Birkenhead, Lancashire and Cheshire Junction Railway Co. *v.* Pilcher (1850) 5 Ex. 121. *Dictum of Parke B. considered*, Abbott *v.* Philbin [1960] Ch. 27; [1960] 3 W.L.R. 255

Birmingham & District Land Co. *v.* London and North Western Railway (1888) 40 Ch.D. 268, C.A. *Considered and applied*, In re Old Silkstone Collieries [1954] Ch. 169; [1954] 2 W.L.R. 77, C.A.

Birmingham and Midland Omnibus Co. Ltd. *v.* London and North Western Ry. Co. [1913] 3 K.B. 850, C.A. *Considered*, Westminster Airways Ltd. *v.* Kuwait Oil Co. Ltd. [1951] 1 K.B. 134; [1950] 2 All E.R. 596, C.A. *Considered*, Longthorn *v.* British Transport Commission [1959] 1 W.L.R. 530. *Applied*, Seabrook *v.* British Transport Commission [1959] 1 W.L.R. 509

Birmingham Churchwardens *v.* Shaw (1847) 10 Q.B. 868. *Not followed*, London Library *v.* Cane [1960] 1 Q.B. 373; [1959] 3 W.L.R. 929, C.A. *Disapproved*, Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48

Birmingham Corporation *v.* Inland Revenue Commissioners [1930] A.C. 307; 46 T.L.R. 262, H.L. *Distinguished*, Hutton *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 729

Birtley and District Co-operative Society *v.* Windy Nook and District Industrial Co-operative Society (No. 2) [1959] 2 W.L.R. 415; [1959] 1 All E.R. 623. *Disapproved*, Bellshill and Mossend Co-operative Society Ltd. *v.* Dalziel Co-operative Society Ltd. [1960] A.C. 832; [1960] 2 W.L.R. 580

Bishop and Baxter *v.* Anglo-Eastern Trading and Industrial Co. [1944] K.B. 12; 60 T.L.R. 37; [1943] 2 All E.R. 598, C.A. *Applied*, British Electrical and Associated Industries (Cardiff) *v.* Patley Pressings [1953] 1 W.L.R. 280

Bishopsgate Motor Finance Corpn. Ltd. *v.* Transport Brakes Ltd. [1945] K.B. 65, 70; 61 T.L.R. 62; [1944] 2 All E.R. 579. *Considered*, Singh *v.* Ali [1960] A.C. 167; [1960] 2 W.L.R. 180, 186

Biss, In re [1903] 2 Ch. 40, C.A. *Applied*, Chelsea Estates Investment Trust Co. *v.* Marche [1955] Ch. 328; [1955] 2 W.L.R. 139

Biss, In re Heasman *v.* Biss [1956] Ch. 243; [1956] 2 W.L.R. 94; [1956] 1 All E.R. 89. *Decision of Harman J. doubted*, In re Cole [1958] Ch. 877; [1958] 3 W.L.R. 447. *Followed*, In re Cohen, decd. [1960] Ch. 179; [1959] 3 W.L.R. 916

Black *v.* Tidy. *See* In re Hawksley's Settlements.

Black Bolt and Nut Association's Agreement, In re (1960) L.R. 2 R.P. 50; [1960] 1 W.L.R. 884; [1960] 3 All E.R. 122. *Distinguished*, In re Wholesale Confectioners Alliance's Agreement [1960] 1 W.L.R. 1417

Blacker *v.* Blacker [1960] 2 W.L.R. 800, 807; [1960] 2 All E.R. 291, C.A. *Applied*, Jacobs *v.* Jacobs [1960] 1 W.L.R. 1236

Blacklock (H.) & Co. *v.* Pearson (C. Arthur) [1915] 2 Ch. 376; 31 T.L.R. 526. *Followed*, Football League *v.* Littlewoods Pools [1959] Ch. 637; [1959] 3 W.L.R. 42

Blackman *v.* Railway Executive [1953] 1 W.L.R. 2; [1953] 1 All E.R. 4. *Affirmed*, [1954] 1 W.L.R. 220, C.A.

Blackwell *v.* Blackwell [1929] A.C. 318; 45 T.L.R. 208, H.L. *Applied*, In re Young, decd. [1951] Ch. 344; [1951] 1 T.L.R. 262; [1950] 2 All E.R. 1245

Blackwell *v.* Blackwell [1943] 2 All E.R. 579, C.A. *Distinguished*, Richards *v.* Richards [1958] 1 W.L.R. 1116, C.A.

Blackwell's Settlement Trusts, In re, Blackwell *v.* Blackwell [1953] Ch. 218; [1953] 2 W.L.R. 94; [1953] 1 All E.R. 103, C.A. *Considered*, Chapman *v.* Chapman [1954] A.C. 429; [1954] 2 W.L.R. 723, H.L.

Blain, Ex parte (1879) 12 Ch.D. 522, C.A. *Considered*, In re Dulles Settlement [1951] Ch. 265; (1950) 66 T.L.R. (Pt. 2) 1028; [1950] 2 All E.R. 1013, C.A.

Blake *v.* Lanyon (1795) 6 Term Rep. 221. *Explained*, Jones Brothers (Hunstanton) *v.* Stevens [1955] 1 Q.B. 275; [1954] 3 W.L.R. 953, C.A.

Blakely Ordnance Co., Brett's Case, In re (1873) L.R. 8 Ch.App. 800; affirming (1871) L.R. 6 Ch.App. 800. *Followed*, In re Apex Film Distributors [1959] 3 W.L.R. 8; [1960] Ch. 378; [1960] 2 W.L.R. 350

Blakey *v.* Latham (1889) 41 Ch.D. 518; 5 T.L.R. 301. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Blakiston *v.* Cooper [1909] A.C. 104; 25 T.L.R. 164, H.L. *Considered*, Moorhouse (Inspector of Taxes) *v.* Dooland [1955] Ch. 284; [1955] 2 W.L.R. 96, C.A.; Benjamin *v.* Minister of Pensions and National Insurance [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430. *Applied*, Temperley (Inspector of Taxes) *v.* Smith [1956] 1 W.L.R. 931; Wright *v.* Boyce (Inspector of Taxes) [1958] 1 W.L.R. 832, C.A.

Bland's Settlement, In re [1905] 1 Ch. 4. *Considered*, Maltby Marriage Settlement, In re, Aylen *v.* Gaud [1953] 1 W.L.R. 765

Bland-Sutton's Will Trusts, In re National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; 66 T.L.R. (Pt. 2) 519; [1950] 2 All E.R. 466. *Affirmed in the result*, [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494, C.A.

Blanket Manufacturers' Agreement, In re [1959] 1 W.L.R. 442; [1959] 2 All E.R. 1. *Affirmed*, L.R. 1 R.P. 271; [1959] 1 W.L.R. 1148, C.A.

Bleckly, decd., In re [1951] W.N. 161; [1951] 1 T.L.R. 432; [1951] 1 All E.R. 628. *Reversed*, [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064, C.A.

Bleckly, decd., In re, Bleckly *v.* Bleckly [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064, C.A. *Referred to*, In re Manners, decd., Public Trustee *v.* Manners [1955] 1 W.L.R. 1097

Blenkin *v.* Bell [1952] 2 Q.B. 620; [1952] 1 T.L.R. 1216; [1952] 1 All E.R. 1258, D.C. *Distinguished*, Bryson *v.* Rogers [1956] 2 Q.B. 404; [1956] 3 W.L.R. 496, D.C.

Blight *v.* Hartnoll (1881) 19 Ch.D. 294. *Dictum of Fry J. not approved*, Gestetner Settlement, In re, Barnett *v.* Blumka [1953] Ch. 672; [1953] 2 W.L.R. 1033

Bloomstein *v.* Railway Executive [1952] 2 All E.R. 418. *Followed*, Blackman *v.* Railway Executive [1953] 1 W.L.R. 2

Blücher (Prince), In re, Debtor, In re [1931] 2 Ch. 70; 47 T.L.R. 19, C.A. *Distinguished*, Goodman *v.* Eban (J.) [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581, C.A.

Bluett *v.* Stuchbury's (1908) 24 T.L.R. 469, C.A. *Considered*, Shindler *v.* Northern Raincoat Co. Ltd. [1960] 1 W.L.R. 1038

Blunt *v.* Blunt [1943] A.C. 517; 59 T.L.R. 315; [1943] 2 All E.R. 76, H.L. *Dicta of Lord Simon L.C. applied*, Jeffrey *v.* Jeffrey [1951] P. 32; (1950) 66 T.L.R. (Pt. 2) 294; [1950] 2 All E.R. 449. *Observations of Lord Simon L.C. applied*, Moor *v.* Moor [1954] 1 W.L.R. 927, C.A.; Coleman *v.* Coleman [1955] 1 W.L.R. 1235, C.A. *Applied*, Purton *v.* Purton and George [1957] 2 W.L.R. 216. *Considered*, Sharma *v.* Sharma and Davis [1959] 1 W.L.R. 1035, C.A.

Blunt *v.* Park Lane Hotel [1942] 2 K.B. 253; 58 T.L.R. 356; [1942] 2 All E.R. 187, C.A. *Applied*, Lewis *v.* Lewis [1958] P. 193; [1958] 2 W.L.R. 747, C.A.

Board of Education *v.* Rice [1911] A.C. 179, 182; 27 T.L.R. 378, H.L. *Applied*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223

Board of Trade *v.* Owen [1957] A.C. 602, 622. *Dictum of Lord Tucker followed*, Reg. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333

Board of Trade *v.* Temperley Steam Shipping Co. Ltd. (1926) 26 Ll.L.Rep. 76. *Considered*, Commissioners of Crown Lands *v.* Page [1960] 2 Q.B. 274; [1960] 3 W.L.R. 446

Boarland *v.* Madras Electric Supply Corporation [1953] 1 W.L.R. 920; [1953] 2 All E.R. 467. *Affirmed* [1954] 1 W.L.R. 87; [1954] 1 All E.R. 52, C.A. *Affirmed*, sub nom. Madras Electric Supply Corporation [1955] A.C. 667; [1955] 2 W.L.R. 633, H.L. *Followed*, Bramford's Road Transport *v.* Evans (Inspector of Taxes) [1953] 1 W.L.R. 1385

Bocock *v.* Enfield Rolling Mills [1954] 1 W.L.R. 1303; 98 S.J. 716; [1954] 3 All E.R. 94. *Applied*, Scott *v.* Musial [1959] 2 Q.B. 429; [1959] 3 W.L.R. 437, C.A.

Boddington *v.* Wisson [1951] 1 K.B. 606; [1951] 1 All E.R. 169, C.A. *Dictum of Sir Raymond Evershed M.R. applied*, Coates *v.* Diment [1951] 1 All E.R. 890

Boden *v.* Hensby [1892] 1 Ch. 101. *Applied*, Hughes *v.* Hughes [1958] P. 221; [1958] 2 W.L.R. 934

Boettcher *v.* Boettcher [1949] W.N. 83. *Considered*, Igra *v.* Igra [1951] P. 404; [1951] 2 T.L.R. 670. *Applied*, Wood *v.* Wood [1956] 3 W.L.R. 887, D.C.; [1957] P. 254; [1957] 2 W.L.R. 827, C.A.

Boguslawski *v.* Gdynia-Ameryka Linie [1950] 1 K.B. 157. *Affirmed* [1951] 1 K.B. 162; 66 T.L.R. (Pt. 2) 596; [1951] 2 All E.R. 113, C.A.

Boiler Inspection and Insurance Company of Canada *v.* Sherwin-Williams Company of Canada Ltd. [1950] S.C.R.(Can.) 187. *Affirmed*, [1951] A.C. 319; [1951] 1 T.L.R. 497, P.C.

Boks & Co. & Peters, Rushton & Co., In re [1919] 1 K.B. 491. *Considered*, Union Nationale Des Cooperatives Agricoles De Cereales *v.* Robert Catterall & Co. [1959] 2 Q.B. 44; [1959] 2 W.L.R. 532, C.A.

Bolger *v.* Daly [1925] 2 I.R. 42. *Approved and applied*, Keane *v.* Clarke [1951] 2 K.B. 732; [1951] 2 T.L.R. 77; [1951] 2 All E.R. 187, C.A.

Bolivia Republic Exploration Syndicate, In re [1914] 1 Ch. 139; 30 T.L.R. 146. *Applied*, Baccus S.R.L. *v.* Servicio Nacional del Trigo [1957] 1 Q.B. 438; [1956] 3 W.L.R. 949, C.A.

Bolsover Colliery Co. *v.* Abbott [1946] K.B. 8; 61 T.L.R. 514, C.A. *Applied*, American Economic Laundry Ltd. *v.* Little [1951] 1 K.B. 400; 66 T.L.R. (Pt. 2) 1080; [1950] 2 All E.R. 1186, C.A. *Considered*, Sherrin *v.* Brand [1956] 1 Q.B. 403; [1956] 2 W.L.R. 132, C.A.

Bolton *v.* Stone [1951] A.C. 850; [1951] 1 T.L.R. 977; [1951] 1 All E.R. 1078, H.L. *Applied*, Cuttress *v.* Scaffolding (Great Britain) [1953] 1 W.L.R. 1311, C.A.; In re Chemists' Federation Agreement (No. 2) [1958] 1 W.L.R. 1192

Bolton (H. L.) Engineering Co. *v.* Graham (T. J.) & Sons [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804; [1956] 3 All E.R. 624. *Followed*, Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275, C.A.

Bolton's (House Furnishers) *v.* Oppenheim [1959] 3 All E.R. 90 affirming [1959] 1 W.L.R. 685; [1959] 2 All E.R. 473; sub nom. In re No. 395 Brixton Road. Bolton's (House Furnishers) *v.* Oppenheim, 103 S.J. 452. *Decision of Danckwerts J. affirmed* [1959] 1 W.L.R. 913, C.A.

Bonar Law Memorial Trust *v.* Inland Revenue Commissioners (1933) 49 T.L.R. 220. *Distinguished*, In re McDougall, decd. Thompson *v.* Fitzgerald [1957] 1 W.L.R. 82

Bone *v.* Pollard (1857) 24 Beav. 283. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460

Bonella *v.* Twickenham Local Board of Health (1887) 20 Q.B.D. 63; 4 T.L.R. 51, C.A. *Applied*, Poole Corporation *v.* Blake [1956] 1 Q.B. 206; [1955] 3 W.L.R. 757, D.C.

Bonnard *v.* Perryman [1891] 2 Ch. 269; 7 T.L.R. 453. *Applied*, Sim *v.* H. J. Heinz & Co. and Another [1959] 1 W.L.R. 313, C.A.

Bonnington Castings *v* Wardlaw [1956] A.C 613; [1956] 2 W.L.R. 707; [1956] 1 All E.R. 615. *Applied*, Clarkson *v.* Modern Foundries [1957] 1 W.L.R. 1210; Nolan *v.* Dental Manufacturing Co [1958] 1 W.L.R. 936. *Considered*, Haynes *v.* Qualcast (Wolverhampton) [1958] 1 W.L.R. 225, C.A.

Bonsor *v.* Musicians' Union [1954] Ch. 479; [1954] 2 W.L.R. 687; [1954] 1 All E.R. 822, C.A. *Overruled*, Bonsor *v.* Musicians' Union [1956] A.C. 104; [1955] 3 W.L.R. 788, H.L.

Bonython *v.* Australia (Commonwealth of) [1951] A.C. 201; 66 T.L.R. (Pt. 2), 969; P.C.; *affirming* [1948] A.L.R. 185. *Considered*, National Mutual Life Association of Australasia *v.* Attorney-General for New Zealand [1956] A.C. 369; [1956] 2 W.L.R. 532, P.C.

Boot (Henry) & Sons *v.* London County Council (1958) 56 L.G.R. 51. *Decision of Pilcher J. reversed* [1959] 1 W.L.R. 133, C.A.

Booth *v.* Vicars (1844) 1 Coll. 6. *Distinguished*, In re Kilvert, decd. Midland Bank Executor and Trustee Co., Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

Borough Court Estate, In re [1932] 2 Ch. 39. *Referred to*, In re Duke of Northumberland, decd. Halifax *v.* Northumberland [1951] Ch. 202; 66 T.L.R. (Pt. 2) 1045; [1950] 2 All E.R. 1181

Borthwick, In re [1948] Ch. 645; 64 T.L.R. 471; [1948] 2 All E.R. 635, C.A. *Applied*, Wine Shippers (London) Ltd. *v.* Bath House Syndicate Ltd. [1960] 1 W.L.R. 613, 989

Bosch *v.* Perpetual Trustee Co. [1938] A.C. 463; 54 T.L.R. 467; [1938] 2 All E.R. 14. *Considered*, Dun *v.* Dun [1959] A.C. 1272; [1959] 2 W.L.R. 554, P.C.

Bosley *v.* Bosley [1958] 1 W.L.R. 645; [1958] 1 All E.R. 167. *Applied*, Hall *v.* Hall [1960] 1 W.L.R. 52

Bostel Bros. Ltd. *v.* Hurlock [1949] 1 K.B. 74; 64 T.L.R. 495; [1948] 2 All E.R. 318, C.A. *Considered*, Woolfe *v.* Wexler [1951] 2 K.B. 154; [1951] 1 T.L.R. 794; [1954] 1 All E.R. 635, C.A.

Bostock *v.* Bostock [1950] P. 154; 66 T.L.R. (Pt. 1) 339; [1950] 1 All E.R. 25. *Disapproved by Denning L.J.*, Mole *v.* Mole [1951] P. 470, C.A. *Not followed*, Pool *v.* Pool [1951] P. 470; [1951] 2 T.L.R. 662; [1951] 2 All E.R. 563

Boston Corporation *v.* France, Fenwick & Co. (1923) 28 Com.Cas. 367. *Considered*, Blane Steamships Ltd. *v.* Minister of Transport [1951] 2 K.B. 965; [1951] 2 T.L.R. 763, C.A.

Boswell *v.* Crucible Steel Co. [1925] 1 K.B. 119. *Distinguished*, Holiday Fellowship *v.* Viscount Hereford [1959] 1 W.L.R. 211, C.A.

Bosworthick *v.* Bosworthick (1901) 18 T.L.R. 104. *Approved and applied*, Cooper *v.* Cooper [1955] P. 99; [1954] 3 W.L.R. 867, D.C.

Bosworthick *v.* Bosworthick [1927] P. 64; 42 T.L.R. 719, C.A. *Applied*, Hindley *v.* Hindley [1957] 1 W.L.R. 899. *Distinguished*, Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A.

Bottomgate Industrial Co-operative Society, In re (1891) 65 L.T.N.S. 712, D.C. *Applied*, R. *v.* Industrial Disputes Tribunal. Ex parte East Anglian Trustee Savings Bank [1954] 1 W.L.R. 1093, D.C.

Boughton, In re (1883) 23 Ch.D. 169. *Applied*, Hughes *v.* Hughes [1958] P. 221; [1958] 2 W.L.R. 934

Bourhill *v.* Young [1943] A.C. 92; [1942] 2 All E.R. 396. *Applied*, Carmarthenshire County Council *v.* Lewis [1955] A.C. 549; [1955] 2 W.L.R. 517, H.L. *Distinguished*, Schneider *v.* Eisovitch [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169

Bourne *v.* Keane [1919] A.C. 815; 35 T.L.R. 560. H.L. *Dictum of Lord Birkenhead L.C. applied*, Triefus & Co. *v.* Post Office [1957] 2 Q.B. 352; [1957] 3 W.L.R. 1, C.A. *Not applied*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Bourne & Tant *v.* Salmon & Gluckstein Ltd. [1907] 1 Ch. 616, C.A. *Applied*, King *v.* Cave-Browne-Cave [1960] 2 Q.B. 222; [1960] 3 W.L.R. 204

Bowden, In re. Hulbert *v.* Bowden [1936] Ch. 71. *Applied*, In re Adlard. Taylor *v.* Adlard [1954] Ch. 29; [1953] 3 W.L.R. 914

Bowling *v.* Cox [1926] A.C. 751. *Applied*, Rousou (A Bankrupt's) Trustee *v.* Rousou [1955] 1 W.L.R. 545

Bowmakers Ltd. *v.* Barnet Instruments Ltd. [1945] K.B. 65; 61 T.L.R. 62; [1944] 2 All E.R. 579. *Approved*, Singh *v.* Ali [1960] A.C. 167; [1960] 2 W.L.R. 180

Bowman, In re, South Shields (Thames Street) Clearance Order, 1931 [1932] 2 K.B. 621; 48 T.L.R. 351. *Applied*, Goddard *v.* Minister of Housing and Local Government [1958] 1 W.L.R. 1151

Bowman, In re (1889) 41 Ch.D. 525. *Doubted*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Bowman *v.* Secular Society [1917] A.C. 406; 33 T.L.R. 376, H.L. *Applied*, In re Shaw, decd. [1957] 1 W.L.R. 730

Bowness *v.* O'Dwyer [1948] 2 K.B. 219; 64 T.L.R. 367; [1948] 2 All E.R. 181, C.A. *Applied*, Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A. *Distinguished*, Zbytniewski *v.* Broughton [1956] 2 Q.B. 673; [1956] 3 W.L.R. 630, C.A.

Bowring-Hanbury's Trustee *v.* Bowring-Hanbury [1943] Ch. 104; 59 T.L.R. 121; [1943] 1 All E.R. 48, C.A. *Distinguished*, Wright *v.* Pepin [1954] 1 W.L.R. 635

Bowser *v.* Colby (1841) 1 Hare 109. *Considered*, Gill *v.* Lewis [1956] 2 Q.B. 1; [1956] 2 W.L.R. 964, C.A.

Bowskill *v.* Dawson (No. 2) [1955] 1 Q.B. 13; [1954] 3 W.L.R. 275; [1954] 2 All E.R. 649, C.A. *Distinguished*, O'Neill *v.* S. J. Smith & Co. (Bidford) [1957] 1 W.L.R. 1204. *Distinguished*, Green *v.* Russell [1959] 1 Q.B. 28; [1958] 3 W.L.R. 371. *Considered*, Green *v.* Russell, McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Boyd, In re (1890) 63 L.T. 92. *Questioned*, In re Knight, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Boyd *v.* Boyd [1938] W.N. 336; 55 T.L.R. 3; [1938] 4 All E.R. 181. *Disapproved*, Simpson *v.* Simpson [1951] P. 320, [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C.

Boyd *v.* Boyd [1955] P. 126 n.; 55 T.L.R. 3; [1938] 4 All E.R. 181. *Approved and applied*, Cooper *v.* Cooper [1954] 3 W.L.R. 867. *Distinguished*, Lewis *v.* Lewis [1956] P. 205n.; [1955] 3 W.L.R. 862, D.C.

Boyes, In re, Boyes *v.* Carritt (1884) 26 Ch.D. 531. *Distinguished*, In re Stirling, decd., Union Bank of Scotland *v.* Stirling [1954] 1 W.L.R. 763

Bradbury, In re [1950] W.N. 558; [1950] 2 All E.R. 1150. *Followed*, In re Robinson, decd. Davis *v.* Robinson [1951] Ch. 198; [1951] 1 T.L.R. 132

Bradbury *v.* Arnold (1957) T.R. 333. *Applied*, Housden (Inspector of Taxes) *v.* Marshall [1959] 1 W.L.R. 1

Braddock *v.* Tillotson's Newspapers [1950] 1 K.B. 47; 65 T.L.R. 553; [1949] 2 All E.R. 306. *Applied*, Ali *v.* Ellmore [1953] 1 W.L.R. 1300, C.A. *Considered and applied*, Herwin, In re, Herwin *v.* Herwin [1953] Ch. 701; [1953] 3 W.L.R. 530, C.A.

Bradford Corporation *v.* Myers [1916] A.C. 242; 32 T.L.R. 113, H.L. *Distinguished*, Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 1 W.L.R. 426

Bradford Corporation *v.* Webster [1920] 2 K.B. 135; 36 T.L.R. 286. *Not relied on*, Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707, P.C.

Bradlaugh, Ex parte (1878) 3 Q.B.D. 509. *Applied*, Reg. *v.* Hurst. Ex parte Smith [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961

Bradlaugh *v.* Newdegate (1883) 11 Q.B.D. 1. *Considered*, Martell *v.* Consett Iron Co. [1955] Ch. 363; [1954] 3 W.L.R. 648

Bradley *v.* Bradley [1956] P. 326; [1956] 2 W.L.R. 654; [1956] 1 All E.R. 543. *Not followed*, Pigott *v.* Pigott [1958] P. 1; [1957] 3 W.L.R. 781, C.A.

Bragg *v.* Bragg [1925] P. 20; 41 T.L.R. 8, D.C. *Applied*, Wood *v.* Wood [1956] 3 W.L.R. 888, D.C.; [1957] P. 254; [1957] 2 W.L.R. 826, C.A.

Braithwaite *v.* Attorney-General [1909] 1 Ch. 510; 25 T.L.R. 333. *Distinguished*, In re Gillingham Bus Disaster Fund. Bowman *v.* Official Solicitor [1958] Ch. 300; [1957] 3 W.L.R. 1070

Bramwell *v.* Bramwell [1942] 1 K.B. 370, 374; 58 T.L.R. 148; [1942] 1 All E.R. 137, C.A. *Dicta of Goddard L.J. applied*, Short *v.* Short [1960] 1 W.L.R. 833

Branckelow S.S. Co. *v.* Lamport & Holt [1897] 1 Q.B. 570. *Applied and considered*, Alvion Steamship Corporation Panama *v.* Galban Lobo Trading Co. S.A. of Havana [1954] 3 W.L.R. 618; [1955] 1 Q.B. 430; [1955] 2 W.L.R. 543, C.A.

Brand *v.* Glass (1564) Moo.K.B. 158. *Applied*, Williams *v.* Linnitt [1951] 1 K.B. 565; [1951] 1 T.L.R. 94; [1951] 1 All E.R. 278, C.A.

Brandford *v.* Freeman (1850) 5 Ex. 734. *Applied*, Letchumanan Chettiar *v.* Sadayappa Chettiar [1953] 1 W.L.R. 269, P.C.

Brandt (H. O.) & Co. *v.* Morris (H. N.) & Co. [1917] 2 K.B. 784, C.A. *Distinguished*, M. W. Hardy & Co. Inc. *v.* A. V. Pound & Co. [1955] 1 Q.B. 499; [1955] 2 W.L.R. 590, C.A.; [1956] A.C. 588; [1956] 2 W.L.R. 684, H.L.

Brandt's (William) Sons & Co. *v.* Dunlop Rubber Co. [1905] A.C. 454; 21 T.L.R. 710, H.L. *Referred to*, In re Wale, decd. [1956] 1 W.L.R. 1347. *Applied*, Letts *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 203

Brassey's Deed of Appointment, In re [1951] Ch. 351; [1951] 1 T.L.R. 169; [1951] 1 All E.R. 102. *Affirmed* [1951] Ch. 979; [1951] 2 T.L.R. 461; [1951] 2 All E.R. 353, C.A.

Brassey's Deed of Appointment, In re, Coutts & Co. *v.* Inland Revenue Commissioners [1951] Ch. 979; sub nom. In re Brassey's Trusts, Deed of Appointment, Coutts & Co. *v.* Inland Revenue Commissioners [1951] 2 T.L.R. 461; sub nom. In re Brassey's Deed Trusts, Coutts & Co. *v.* Inland Revenue Commissioners [1951] 2 All E.R. 353, C.A. *Reversed*, sub nom. Coutts & Co. *v.* Inland Revenue Commissioners [1953] A.C. 267; [1953] 2 W.L.R. 364, H.L.

Brassey's Settlement, In re, Barclay's Bank *v.* Brassey [1955] 1 W.L.R. 192; [1955] 1 All E.R. 577. *Distinguished*, In re Van Lessen [1955] 1 W.L.R. 1326. *Referred to*, In re Rider's Will Trusts [1958] 1 W.L.R. 974

Brauer & Co. (Great Britain) *v.* James Clark (Brush Materials) [1952] W.N. 422; [1952] 2 T.L.R. 349; [1952] 2 All E.R. 497, C.A. *Observations of Denning L.J. applied*, Peter Cassidy Seed Co. *v.* Osuustukkukauppa [1957] 1 W.L.R. 273

Bray *v.* Colenbrander [1952] 2 T.L.R. 499, C.A. *Affirmed* [1953] A.C. 503; [1953] 2 W.L.R. 927, H.L.

Bray *v.* Ford [1896] A.C. 44; 12 T.L.R. 119, H.L. *Dicta of Lord Herschell applied*, In re The French Protestant Hospital [1951] Ch. 567; [1951] 1 T.L.R. 785; [1951] 1 All E.R. 938

Bray *v.* Palmer [1953] 2 All E.R. 1449, C.A. *Considered*, Baker *v.* Market Harborough Industrial Co-operative Society [1953] 1 W.L.R. 1472, C.A.

Braythwayte *v.* Hitchcock (1842) 10 M. & W. 494. *Distinguished*, Grace Rymer Investments *v.* Waite [1958] Ch. 831; [1958] 3 W.L.R. 337, C.A.

Brentnall and Cleland *v.* London County Council [1945] 1 K.B. 115; 61 T.L.R. 97; [1944] 2 All E.R. 552. *Applied*, Winter *v.* Hinckley and District Industrial Co-operative Society [1959] 1 W.L.R. 182, D.C.

Brereton *v.* Edwards (1888) 21 Q.B.D. 488, C.A. *Considered*, L. C. C. *v.* Monks [1959] Ch. 239; [1959] 2 W.L.R. 17

Brewer *v.* Westminster Bank [1952] W.N. 435; [1952] 2 T.L.R. 568; [1952] 2 All E.R. 650. *Distinguished*, Baker *v.* Barclays Bank [1955] 1 W.L.R. 822. *Not followed*, Welch *v.* Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Bridges *v.* Hewitt. Same *v.* Bearsley [1957] 1 W.L.R. 59; [1956] 3 All E.R. 789. *Decision of Danckwerts J. reversed* [1957] 1 W.L.R. 674; [1957] 2 All E.R. 281. *Distinguished*, Abbott *v.* Philbin [1959] 1 W.L.R. 667; [1960] Ch. 27; [1959] 3 W.L.R. 739, C.A.; Hochstrasser *v.* Mayes [1960] A.C. 376; [1960] 2 W.L.R. 63, 73

Briess *v.* Rosher [1953] 2 Q.B. 218; [1953] 2 W.L.R. 608; [1953] 1 All E.R. 717, C.A. *Reversed*, sub nom. Briess *v.* Woolley [1954] A.C. 333; [1954] 2 W.L.R. 832, H.L.

Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659; [1953] 2 All E.R. 939. *Disapproved*, Cooper *v.* Cooper (No. 2) [1954] 3 W.L.R. 923. *Considered*, Hill *v.* Hill [1954] P. 291; [1954] 2 W.L.R. 473; Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 139, C.A. *Dictum of Willmer J. disapproved*, Fisher *v.* Fisher [1960] P. 36; [1959] 3 W.L.R. 471, C.A.

Bright Broadcasting Co. *v.* Wireless League Gazette Publishing Co. [1926] Ch. 433; 42 T.L.R. 370. *Considered*, Football League *v.* Littlewoods Pools [1959] Ch. 637; [1959] 3 W.L.R. 42

Brightman & Co. *v.* Bunge y Born [1925] A.C. 799; 41 T.L.R. 652, H.L. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1959] 3 W.L.R. 665. *Affirming*, [1924] 2 K.B. 619, C.A. *Applied*, S.A. Maritime et Commerciale of Geneva *v.* Anglo-Iranian Oil Co. [1953] 1 W.L.R. 1379

Brimsgreen and Norton Manor (1308) 2 Edw. 2, Coram Rege. *Applied*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Brinsmead (John) & Sons *v.* Brinsmead & Waddington & Sons (1913) 29 T.L.R. 237, C.A. *Applied*, Baume & Co. *v.* A. H. Moore [1958] Ch. 907; [1958] 2 W.L.R. 797, C.A.

Bristol Corporation *v.* Arid (John) & Co. [1913] A.C. 241; 29 T.L.R. 360. *Applied*, The Fehmarn [1957] 1 W.L.R. 816

Bristol Tramways Carriage Co. *v.* Fiat Motors [1910] 2 K.B. 831; 26 T.L.R. 629, C.A. *Applied*, Godley *v.* Perry [1960] 1 W.L.R. 9

British Actors Film Co. *v.* Glover [1918] 1 K.B. 299; 34 T.L.R. 162. *Referred to*, Jonathan Cape *v.* Consolidated Press [1954] 1 W.L.R. 1313

British American Continental Bank, In re, Goldzicher and Penso's Claim [1922] 2 Ch. 575; 38 T.L.R. 785, C.A. *Followed*, *In re* Russian Commercial and Industrial Bank [1955] Ch. 148; [1955] 2 W.L.R. 62

British American Tobacco Co. *v.* Inland Revenue Commissioners [1943] A.C. 335; 59 T.L.R. 91; [1943] 1 All E.R. 13, H.L. *Considered*, Inland Revenue Commissioners *v.* Silverts Ltd. [1951] Ch. 521; [1951] 1 T.L.R. 593; [1951] 1 All E.R. 703, C.A. *Applied*, S. Berendsen *v.* Inland Revenue Commissioners [1958] Ch. 1; [1957] 3 W.L.R. 164. *Considered* [1957] 2 W.L.R. 448, C.A.; Barclays Bank *v.* I. R. C. [1959] Ch. 341; [1959] 2 W.L.R. 99; [1960] 3 W.L.R. 280; Inland Revenue Comrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414

British Cash and Parcel Conveyors *v.* Lamson Store Service Co. [1908] 1 K.B. 1006, C.A. *Considered and applied*, Martell *v.* Consett Iron Co. [1954] 3 W.L.R. 648; [1955] Ch. 363; [1955] 2 W.L.R. 463, C.A.

British Coal Corporation *v.* The King [1935] A.C. 500; 51 T.L.R. 508, P.C. *Considered*, In re Brassey's Settlement, Barclays Bank *v.* Brassey [1955] 1 W.L.R. 192

British Dyestuffs Corporation (Blackley) *v.* Inland Revenue Commissioners (1924) 12 T.C. 586. *Applied*, Evans Medical Supplies *v.* Moriarty (Inspector of Taxes) [1957] 1 W.L.R. 289, C.A. *Considered*, Moriarty *v.* Evans Medical Supplies [1958] 1 W.L.R. 67, H.L.

British Electric Street Tramways, In re [1903] 1 Ch. 725. *Considered and distinguished*, In re R. W. Sharman [1957] 1 W.L.R. 774

British Electrical and Associated Industries (Cardiff) *v.* Patley Pressings [1953] 1 W.L.R. 280; [1953] 1 All E.R. 94. *Considered*, Nicolene *v.* Simmonds [1953] 1 Q.B. 543; [1953] 2 W.L.R. 717, C.A.

British Electrical Repairs *v.* Assessor for Glasgow, 1933 S.C. 321. *Distinguished*, Meriden Rural District Council *v.* Standard Motor Co. Paver (Valuation Officer) *v.* Standard Motor Co. [1957] 1 W.L.R. 959, C.A.

British Homophone Ltd. *v.* Kunz (1935) 152 L.T. 589. *Distinguished*, Beesly *v.* Hallwood Estates Ltd. [1960] 1 W.L.R. 549

British Insulated and Helsby Cables *v.* Atherton [1926] A.C. 205; 42 T.L.R. 187. *Applied*, Morgan (Inspector of Taxes) *v.* Tate & Lyle [1953] Ch. 601; [1953] 3 W.L.R. 1, C.A.; [1955] A.C. 21; [1954] 3 W.L.R. 85, H.L. *Referred to*, Racecourse Betting Control Board *v.* Young [1958] 1 W.L.R. 122

British Launderers' Research Association *v.* Hendon Borough Rating Authority [1949] 1 K.B. 462; 65 T.L.R. 103; sub nom. British Launderers' Research Association *v.* Central Middlesex Assessment Committee and Hendon Rating Authority [1949] 1 All E.R. 21, C.A. *Considered*, Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 647, C.A. *Dictum of Denning L.J. considered*, Tsakiroglou & Co. *v.* Noblee Thorl. G.m.b.H. [1959] 2 W.L.R. 179. *Applied*, London Library *v.* Cane (Valuation Officer) [1960] 1 Q.B. 373; [1959] 3 W.L.R. 929, C.A.

British Mexican Petroleum Co. *v.* Inland Revenue Commissioners (1932) 16 T.C. 570. *Applied*, Severne (Inspector of Taxes) *v.* Dadswell [1954] 1 W.L.R. 1204

British Milk Products Co.'s Application [1915] 2 Ch. 202. *Referred to*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

British Motor Trade Association *v.* Gilbert [1951] 2 T.L.R. 514; [1951] 2 All E.R. 641. *Considered*, Mouat (J. N.) *v.* Betts Motors Ltd. [1959] A.C. 71; [1958] 3 W.L.R. 598, P.C.

British Movietonews *v.* London and District Cinemas [1951] 1 K.B. 190; 66 T.L.R. (Pt. 2) 203; [1959] 2 All E.R. 390, C.A. *Reversed* [1952] A.C. 166; [1951] 2 T.L.R. 571; [1951] 2 All E.R. 617, H.L. *Applied*, Davis Contractors *v.* Fareham Urban District Council [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388, C.A.; [1956] A.C. 696; [1956] 3 W.L.R. 38, H.L.

British Nylon Spinners *v.* Imperial Chemical Industries [1953] Ch. 19; [1952] 2 T.L.R. 669; [1952] 2 All E.R. 780, C.A. *Followed*, British Nylon Spinners *v.* Imperial Chemical Industries [1955] Ch. 37; [1954] 3 W.L.R. 505

British Oxygen Co. *v.* S. W. Scotland Electricity Board, 1955 S.L.T. 306. *Affirmed*, South of Scotland Electricity Board *v.* British Oxygen Co. [1956] 1 W.L.R. 1069, H.L.

British Oxygen Co. *v.* South of Scotland Electricity Board, 1958 S.L.T. 113. *Decision of Second Division of the Court of Session affirmed*, South of Scotland Electricity Board *v.* British Oxygen Co. Same *v.* British Oxygen Gases [1959] 1 W.L.R. 587, H.L.

British Reinforced Concrete Engineering Co. *v.* Schelff [1921] 2 Ch. 563. *Followed*, Ronbar Enterprises *v.* Green [1954] 1 W.L.R. 815, C.A.

British South Africa Co. *v.* Companhia De Moçambique [1893] A.C. 602; 10 T.L.R. 7. *Applied*, In re Trepca Mines Ltd. [1960] 1 W.L.R. 1273

British South Africa Co. *v.* De Beers Consolidated Mines Ltd. [1910] 2 Ch. 502. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

British Stamp and Ticket Automatic Delivery Co. *v.* Haynes [1921] 1 K.B. 377. *Overruled*, Interoffice Telephones *v.* Robert Freeman & Co. [1958] 1 Q.B. 190; [1957] 3 W.L.R. 971, C.A.

British Thomson-Houston Co. Ltd. *v.* Sterling Accessories Ltd. [1924] 2 Ch. 33; 40 T.L.R. 544. *Dicta of Tomlin J. referred to*, Ebbw Vale U. D. C. *v.* South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 T.L.R. 742; [1951] 1 All E.R. 806, C.A.

British Transport Commission *v.* Gourley [1956] A.C. 185; [1956] 2 W.L.R. 41; [1955] 3 All E.R. 796, H.L. *Applied*, Beach *v.* Reed Corrugated Cases [1955] 1 W.L.R. 806; Hall & Co. *v.* Pearlberg [1956] 1 W.L.R. 245; *In re* Houghton Main Colliery Co. [1956] 1 W.L.R. 1219; West Suffolk County Council *v.* Wrought (W.) [1957] A.C. 403; [1956] 3 W.L.R. 589, H.L.; The Telemachus [1957] P. 47; [1957] 2 W.L.R. 201. *Referred to*, Phipps *v.* Orthodox Unit Trusts [1958] 1 Q.B. 314; [1957] 3 W.L.R. 857, C.A. *Distinguished*, The Makedonia [1958] 1 Q.B. 365; [1958] 2 W.L.R. 256

British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1022; [1956] 2 All E.R. 129, C.A. *Affirming* [1956] 2 W.L.R. 428; [1956] 1 All E.R. 321, D.C. *Decision of Court of Appeal affirmed* [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

British Trawlers Federation *v.* London and North-Eastern Railway Co. [1933] 2 K.B. 14, C.A.; affirmed, with a variation, sub nom. London and North-Eastern Railway Co. *v.* British Trawlers Federation [1934] A.C. 279; 50 T.L.R. 275, H.L. *Relied on*, Pigott (J. H.) & Son *v.* Docks and Inland Waterways Executive [1953] 1 Q.B. 338; 1953 1 W.L.R. 94

British Westinghouse Electric and Manufacturing Co. *v.* Underground Electric Railways Co. of London [1912] A.C. 673, H.L. *Applied*, Pilkington *v.* Wood [1953] Ch. 770; [1953] 3 W.L.R. 522; The Liverpool (No. 2) [1960] 2 W.L.R. 541

British and American Trustee and Finance Corpn. Ltd. *v.* Couper [1894] A.C. 399; 10 T.L.R. 415. *Applied*, In re Great Universal Stores Ltd. [1960] 1 W.L.R. 78, 79

British and Argentine Meat Co. *v.* Randall [1939] 4 All E.R. 293. *Referred to*, Butler *v.* Hudson [1953] 3 W.L.R. 227, C.A.

British & Beningtons *v.* North Western Cachar Tea Co. [1923] A.C. 48, H.L. *Applied*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 715

British and Colonial Furniture Co. *v.* McIlroy (William) [1951] 1 T.L.R. 295; [1951] 1 All E.R. 404, C.A. *Followed,* Willow Wren Canal Carrying Co. *v.* British Transport Commission [1956] 1 W.L.R. 213

British and Foreign Marine Insurance Co. Ld. *v.* Gaunt [1921] 2 A.C. 41; 37 T.L.R. 632, H.L. *Dicta of Lord Birkenhead L.C. and Lord Sumner applied,* F. W. Berk & Co. Ld. *v.* Style [1956] 1 Q.B. 180; [1955] 3 W.L.R. 936

British & Mexican Shipping Co. Ld. *v.* Lockett Brothers & Co. Ld. [1911] 1 K.B. 264, C.A. *Considered,* Alvion Steamship Corporation Panama *v.* Galban Lobo Trading Co. S.A. of Havana [1954] 3 W.L.R. 618

British-Italian Corporation *v.* Inland Revenue Commissioners [1921] W.N. 220, C.A. *Applied,* Independent Television Authority and Associated-Rediffusion *v.* Inland Revenue Commissioners [1959] 1 W.L.R. 259, C.A.; [1961] A.C. 427; [1960] 3 W.L.R. 48, H.L.

Briton Ferry Steel Co. *v.* Barry [1940] 1 K.B. 463; 56 T.L.R. 248; [1939] 4 All E.R. 541, C.A. *Applied and considered,* Sharkey *v.* Wernher [1954] Ch. 713; [1954] 3 W.L.R. 367, C.A.; [1956] A.C. 58; [1955] 3 W.L.R. 672, H.L.

Brittlebank *v.* Goodwin (1868) L.R. 5 Eq. 545. *Applied,* Hawkesley *v.* May [1955] 3 W.L.R. 569

Brock *v.* Wollams [1949] 2 K.B. 388; [1949] 1 All E.R. 715, C.A. *Applied,* Langdon *v.* Horton [1951] 1 K.B. 666; [1951] 1 T.L.R. 238; [1951] 1 All E.R. 60, C.A.; Hawkes *v.* Evenden [1953] 1 W.L.R. 1169, C.A.

Brock (H. N.) & Co., In re [1910] 1 Ch. 130; reversing In re Trade Marks Act, 1905 (1909) 25 T.L.R. 695; sub nom. Re "Orwoola" Trade Mark, 53 S.J. 672; sub nom. In re Brock (H. N.) & Co.'s Application "Osowoolo," 26 R.P.C. 681. *Applied,* Electrix *v.* Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503, H.L.

Brodie *v.* Brodie [1917] P. 271; 33 T.L.R. 525. *Distinguished,* Morgan *v.* Morgan (orse.) Ransom [1959] P. 92; [1959] 2 W.L.R. 487

Broken Hill Proprietary Co. Ltd. *v.* Broken Hill Municipal Council [1926] A.C. 94. *Considered,* Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404

Broken Hill South *v.* Commissioner of Taxation (1937) 56 C.L.R. 337. *Approved,* George Johnson *v.* Commissioner of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 455, P.C.

Bromage, In re, Public Trustees *v.* Cuthbert [1935] Ch. 605; 51 T.L.R. 408. *Considered,* In re Adams, decd. [1951] Ch. 716; [1951] 1 T.L.R. 841; [1951] 1 All E.R. 1037. *Observations of Luxmoore J. applied,* Cotton *v.* Cotton [1954] P. 305; [1954] 2 W.L.R. 947, C.A.

Bromley *v.* Tryon [1952] A.C. 265; [1951] 2 T.L.R. 1119; 1951] 2 All E.R. 1058. *Observations of Simonds L.C. applied,* In re Murray, decd., Martins Bank *v.* Dill [1955] Ch. 69; [1954] 3 W.L.R. 521, C.A.

Brook *v.* Brook (1861) 9 H.L.C. 193. *Applied,* Pugh *v.* Pugh [1951] P. 482; [1951] 2 T.L.R. 806; [1951] 2 All E.R. 680

Brook's Wharf and Bull Wharf *v.* Goodman Bros. [1937] 1 K.B. 524; 53 T.L.R. 126; [1936] 3 All E.R. 696, C.A. *Applied,* Receiver for the Metropolitan Police District *v.* Croydon Corporation [1956] 1 W.L.R. 144; Monmouthshire County Council *v.* Smith [1956] 1 W.L.R. 1132. *Distinguished,* Receiver for Metropolitan Police District *v.* Croydon Corporation [1957] 2 Q.B. 154; [1957] 2 W.L.R. 34, C.A.

Brookman *v.* Smith (1872) L.R. 7 Ex. 271. *Followed,* In re Bailey. Barrett *v.* Hyder [1951] Ch. 407; [1951] 1 All E.R. 391, C.A.

Brooks *v.* Inland Revenue Commissioners [1913] 3 K.B. 398; 29 T.L.R. 755. *Followed,* In re D'Avigdor-Goldsmid [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] 1 All E.R. 240

Brooks' Settlement Trusts, In re, Lloyds Bank *v.* Tillard [1939] Ch. 993; 55 T.L.R. 914; [1939] 3 All E.R. 920. *Distinguished,* In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

Broom *v.* Morgan [1952] 2 T.L.R. 904; [1952] 2 All E.R. 1007. *Affirmed* [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737, C.A.

Broomfield *v.* Smith (1836) 5 L.J.Ex. 155. *Applied,* Bank of New South Wales *v.* Laing [1954] A.C. 135; [1954] 2 W.L.R. 25, P.C.

Brophy, In re [1949] N.Z.L.R. 1006. *Considered,* In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097; In re Marshall, decd. [1957] Ch. 263; [1957] 2 W.L.R. 440

Brougham *v.* Brougham [1895] P. 288. *Applied,* Brown *v.* Lloyd and Lloyd [1957] P. 367; [1957] 2 W.L.R. 951

Brown, In re [1918] W.N. 118. *Applied,* Commissioner of Stamp Duties of New South Wales *v.* Pearse [1954] A.C. 91; [1954] 2 W.L.R. 5, P.C.

Brown, Ex parte. *See* In re Suffield and Watts.

Brown *v.* Brash and Ambrose [1948] 2 K.B. 247; 64 T.L.R. 266; [1948] 1 All E.R. 922, C.A. *Applied,* Thompson *v.* Ward [1953] 2 Q.B. 153; [1953] 2 W.L.R. 1042, C.A.; Tickner *v.* Hearn [1960] 1 W.L.R. 1406

Brown *v.* Brown [1937] P. 7; 53 T.L.R. 9; [1936] 2 All E.R. 1616. *Doubted,* Prescott (Formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288

Brown *v.* Brown [1952] 1 T.L.R. 930; [1952] 1 All E.R. 1018, C.A. *Applied,* Frost *v.* Frost [1953] 1 W.L.R. 52. *Followed,* Page *v.* Page, Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432, C.A. *Distinguished,* Rolph *v.* Marston Valley Brick Co. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929

Brown *v.* Brown [1956] 2 W.L.R. 1000; [1956] 2 All E.R. 1, D.C. *Considered* Jenkins *v.* Jenkins [1956] P. 458; [1956] 3 W.L.R. 262, D.C.

Brown *v.* Dean [1910] A.C. 373, H.L. *Dictum of Lord Loreburn L.C. applied*, Ladd *v.* Marshall [1954] 1 W.L.R. 1489, C.A. *Applied*, Meyer *v.* Leanse [1958] 2 Q.B. 371; [1958] 3 W.L.R. 518, C.A. *Applied*, Devenish *v.* P. D. I. Homes (Hythe) [1959] 1 W.L.R. 1188, C.A.

Brown *v.* Director of Public Prosecutions [1956] 2 Q.B. 369; [1956] 2 W.L.R. 1087; [1956] 2 All E.R. 189. *Distinguished*, Rands *v.* Oldroyd [1958] 3 W.L.R. 583, D.C.

Brown *v.* Draper [1944] K.B. 309; 60 T.L.R. 219; [1944] 1 All E.R. 246, C.A.. *Considered*, American Economic Laundry Ltd. *v.* Little [1951] 1 K.B. 400; 66 T.L.R. (Pt. 2) 1080; [1950] 2 All E.R. 1186, C.A. *Applied*, Collins *v.* Claughton [1959] 1 W.L.R. 145, C.A.

Brown *v.* Gregson [1920] A.C. 860, H.L. *Considered*, In re Dicey, decd., Julian *v.* Dicey [1956] Ch. 357; [1956] 3 W.L.R. 981, C.A.

Brown *v.* Inland Revenue Commissioners (1900) 17 T.L.R. 177, C.A. *Applied*, Governments Stock and Other Securities Investment Co. *v.* Christopher [1956] 1 W.L.R. 239

Brown *v.* London and North Western Railway Co. (1863) 4 B. & S. 326. *Distinguished*, Davies *v.* British Geon [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Brown *v.* National Coal Board [1960] 1 W.L.R. 67; [1960] 1 All E.R. 108. *Decision of Thesiger J. affirmed* [1961] 1 Q.B. 303; [1960] 3 W.L.R. 892

Brown *v.* Okiwi Farms Ltd. [1957] N.Z.L.R. 1073. *Distinguished*, Lee *v.* Lee's Air Farming Ltd. [1961] A.C. 12; [1960] 3 W.L.R. 758

Brown *v.* Robins [1943] 1 All E.R. 548, C.A. *Distinguished*, Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A.

Brown *v.* Rolls Royce Ltd., 1959 S.L.T. (Notes) 73. *Decision of the First Division of the Court of Session affirmed* [1960] 1 W.L.R. 210

Brown *v.* Sheen and Richmond Car Sales [1950] W.N. 316; [1950] 1 All E.R. 1102. *Applied*, Andrews *v.* Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 733

Brown Bayley's Steel Works, In re (1905) 21 T.L.R. 374. *Applied*, In re Moses and Cohen [1957] 1 W.L.R. 1008

Brown's Estate, In re, Brown *v.* Brown [1893] 2 Ch. 300. *Referred to*, Lloyds Bank *v.* Margolis [1954] 1 W.L.R. 644

Brown's Mortgage, In re. Wallasey Corporation *v.* Attorney-General [1945] Ch. 166; [1945] 1 All E.R. 397; sub nom. Wallasey Corporation *v.* Attorney-General, 61 T.L.R. 230. *Considered*, In re Caunter's Charge [1960] Ch. 491; [1959] 3 W.L.R. 822

Browne *v.* Central S.M.T. Co., 1949 S.C. 9. *Not followed*, Lang *v.* London Transport Executive [1959] 1 W.L.R. 1168

Browne *v.* Flower [1911] 1 Ch. 219. *Considered*, Owen *v.* Gadd [1956] 2 Q.B. 99; [1956] 2 W.L.R. 946, C.A.

Browne *v.* Lord Kenyon (1818) Madd. 410. *Distinguished*, In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 744; In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 1212, C.A.

Browne *v.* Murray (1825) Ry. & M. 254. *Referred to*, Beevis *v.* Dawson [1956] 2 Q.B. 165; [1956] 3 W.L.R. 1017, C.A.

Browning *v.* Morris (1778) 2 Cowp. 790. *Applied*, Green *v.* Portsmouth Stadium [1953] 1 W.L.R. 487. *Distinguished*, Green *v.* Portsmouth Stadium [1953] 2 Q.B. 190; [1953] 2 W.L.R. 1206, C.A.

Browning *v.* Watson (J. W. H.) (Rochester) Ld. [1953] 1 W.L.R. 1172; [1953] 2 All E.R. 775, D.C. *Distinguished*, James & Son *v.* Smee; Green *v.* Burnett [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631, D.C.

Brownsea Haven Properties *v.* Poole Corporation [1957] 3 W.L.R. 669; [1957] 3 All E.R. 211. *Decision of Vaisey J. affirmed* [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Brownson *v.* Lawrance (1868) L.R. 6 Eq. 1. *Applied*, In re Biss, decd., Heasman *v.* Biss [1956] Ch. 243; [1956] 2 W.L.R. 94. *Decision of Lord Romilly M.R. doubted*, In re Cole [1958] Ch. 877; [1958] 3 W.L.R. 447, C.A.

Brunswick (Duke) *v.* Hanover (King) (1844) 6 Beav. 1. *Considered*, Nizam of Hyderabad and State of Hyderabad *v.* Jung [1957] Ch. 185; [1957] 2 W.L.R. 219; Rahimtoola *v.* Nizam of Hyderabad [1958] A.C. 379; [1957] 3 W.L.R. 884

Bruton Street (No. 34), Westminster, In re [1956] 1 W.L.R. 1477; [1956] 3 All E.R. 656. *Decision of Vaisey J. reversed* [1957] Ch. 543; [1957] 3 W.L.R. 81, C.A.

Brydon *v.* Samuel. *See* In re Ogden.

Bryers *v.* Canadian Pacific Steamships [1956] 1 W.L.R. 1181; [1956] 3 All E.R. 242. *Affirmed* [1957] 1 Q.B. 134; [1956] 3 W.L.R. 778; [1956] 3 All E.R. 560, C.A. *Affirmed* [1958] A.C. 485; [1957] 3 W.L.R. 994, H.L.

Buccle *v.* Atleo (1687) 2 Vern. 37. *Considered*, In re Bradley, decd., Bradley *v.* Barclays Bank [1956] Ch. 615; [1956] 3 W.L.R. 610

Buchanan-Wollaston's Conveyance, In re [1939] Ch. 738; 55 T.L.R. 604; [1939] 2 All E.R. 302. Applied, Jones *v.* Challenger [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695

Buchler *v.* Buchler [1947] P. 25; 63 T.L.R. 100; [1947] 1 All E.R. 319, C.A. *Referred to*, Lane *v.* Lane [1951] P. 284; [1951] 1 T.L.R. 1125, D.C. *Applied*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C.

Buckingham, In re (1944) 170 L.T. 53. *Considered*, In re Castiglione's Will Trusts. Hunter *v.* Mackenzie [1958] Ch. 549; [1958] 2 W.L.R. 400

Buckland *v.* Papillon (1866) 2 Ch. 67. *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R. 862

Budge *v.* Hicks [1951] 2 K.B. 335; [1951] 2 All E.R. 245; sub nom. Hicks *v.* Budge [1951] 2 T.L.R. 349, C.A. *Considered*, Jones *v.* Gates [1954] 1 W.L.R. 222, C.A.; Hammon *v.* Fairbrother [1956] 1 W.L.R. 491

Bugge *v.* Taylor [1941] 1 K.B. 198, D.C. *Referred to*, Thomas *v.* Dando [1951] 2 K.B. 620; [1951] 1 T.L.R. 1067; [1951] 1 All E.R. 1010, D.C. *Applied*, Buchanan *v.* Motor Insurers' Bureau [1955] 1 W.L.R. 488

Bugle Press Ltd., In re [1960] 2 W.L.R. 658; [1960] 1 All E.R. 768. *Decision of Buckley J. affirmed* [1961] Ch. 270; [1960] 3 W.L.R. 956

Bull *v.* Bull [1955] 1 Q.B. 234; [1955] 2 W.L.R. 78; [1955] 1 All E.R. 253, C.A. *Applied*, Jones *v.* Challenger [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695

Buller *v.* Harrison (1777) 2 Cowp. 565. *Applied*, Nizam of Hyderabad and State of Hyderabad *v.* Jung [1957] Ch. 185; [1957] 2 W.L.R. 218. *Considered*, Rahimtoola *v.* Nizam of Hyderabad [1958] A.C. 379; [1957] 3 W.L.R. 884, H.L.

Bulli Coal Mining Co. *v.* Osborne [1899] A.C. 351; 15 T.L.R. 257, P.C. *Considered*, Kitchen *v.* Royal Air Force Association [1958] 1 W.L.R. 563, C.A.

Bullock *v.* A. John Power (Agencies) [1956] 1 W.L.R. 171, C.A. *Distinguished*, Hoare *v.* M. & W. Grazebrook [1957] 1 W.L.R. 639

Bullock *v.* Unit Construction Co. [1959] Ch. 315; [1959] 2 W.L.R. 437; [1959] 1 All E.R. 591. *Decision of the Court of Appeal reversed* [1959] Ch. 315; [1959] 3 W.L.R. 1022, H.L.

Bulman and Dickson *v.* Fenwick & Co. [1894] 1 Q.B. 179; 10 T.L.R. 45. *Considered*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Bunge y Born Limitada Sociedad *v.* Brightman & Co. [1925] A.C. 799; 41 T.L.R. 652; [1924] 2 K.B. 619; 40 T.L.R. 876. *Applied*, South African Dispatch Line *v.* Owners of the Panamanian Steamship *Niki* [1960] 1 Q.B. 518; [1960] 2 W.L.R. 294

Burchard *v.* Macfarlane, Ex parte Tindall [1891] 2 Q.B. 241; 7 T.L.R. 526, C.A. *Explained*, Radio Corporation of America *v.* Rauland Corporation [1956] 1 Q.B. 618; [1956] 2 W.L.R. 282, 614, D.C.

Burden, In re. Mitchell *v.* Hostel of St. Luke [1948] Ch. 160; [1948] 1 All E.R. 31. *Distinguished*, In re Wragg, decd. [1959] 1 W.L.R. 922

Burden (R. B.) *v.* Swansea Corporation (1956) 54 L.G.R. 161. *Decision of the Court of Appeal affirmed* [1957] 1 W.L.R. 1167, H.L.

Burder *v.* Veley (1840) 12 Ad. & El. 233. *Applied*, R. *v.* Comptroller-General of Patents and Designs, Ex parte Parke, Davis & Co. [1953] 2 Q.B. 48; [1953] 2 W.L.R. 760

Burdett *v.* Abbott (1811) 14 East 1; 104 E.R. 501. *Referred to*, In re Parliamentary Privilege Act, 1770 [1958] A.C. 331; [1958] 2 W.L.R. 912, P.C.

Burdick *v.* Garrick (1870) 5 Ch.App. 233, C.A. *Applied*, Gordon *v.* Gonda [1955] 1 W.L.R. 886

Burford *v.* Burford [1955] 1 W.L.R. 1242; [1955] 3 All E.R. 664, C.A. *Considered*, Clueit *v.* Clueit [1958] 1 W.L.R. 463. Clear *v.* Clear [1958] 1 W.L.R. 467, C.A.

Burford (H. G.) & Co.'s Application, In re [1919] 2 Ch. 28; 35 T.L.R. 319, C.A. *Distinguished*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Burgess *v.* Florence Nightingale Hospital for Gentlewomen [1955] 1 Q.B. 349; [1955] 2 W.L.R. 533; [1955] 1 All E.R. 511. *Distinguished*, Behrens *v.* Bertram Mills Circus Ltd. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 406

Burgess *v.* Jarvis [1952] 2 Q.B. 41; [1952] 1 T.L.R. 580; [1952] 1 All E.R. 592, C.A. *Applied*, Swallow and Pearson *v.* Middlesex County Council [1953] 1 W.L.R. 422. *Followed*, Godstone Rural District Council *v.* Brazil [1953] 1 W.L.R. 1102, D.C.

Burland *v.* Earle [1902] A.C. 83; 18 T.L.R. 41; P.C. *Applied*, Pavlides *v.* Jensen [1956] Ch. 565; [1956] 3 W.L.R. 224

Burling *v.* Steele (Chas.) & Co. Pty. (1948) 76 C.L.R. 485. *Applied*, McKenna *v.* Porter Motors [1956] A.C. 688; [1956] 3 W.L.R. 658, P.C.

Burmester *v.* Burmester [1913] P. 76; 29 T.L.R. 323. *Applied*, Scott *v.* Scott [1951] P. 193; 66 T.L.R. (Pt. 2) 1077; [1950] 2 All E.R. 1154, C.A.

Burnell *v.* Downham Market Urban District Council [1952] 2 Q.B. 55; [1952] 1 All E.R. 601, C.A. *Applied*, Sheffield Corporation *v.* Tranter (Valuation Officer) [1957] 1 W.L.R. 843, C.A.

Burnett *v.* Burnett and Purdy (1922) 39 T.L.R. 111. *Applied*, Stanga *v.* Stanga [1954] P. 10; [1953] 3 W.L.R. 609

Burnett S.S. Co. *v.* Danube & Black Sea Shipping Agencies [1933] 2 K.B. 438; 49 T.L.R. 553, C.A. *Dictum of Scrutton L.J. applied*, Compania Naviera Azuero S.A. *v.* British Oil & Cake Mills [1957] 2 Q.B. 293; [1957] 2 W.L.R. 998

Burnfiel *v.* Burnfiel (1926) 2 Dom.L.R. 129. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097

Burns *v.* Campbell [1952] 1 K.B. 15; [1951] 2 T.L.R. 1007; [1951] 2 All E.R. 965, C.A. *Applied*, Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015, C.A. *Distinguished*, Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445, C.A.

Burns *v.* Radcliffe [1923] 2 I.R. 158. *Considered*, Court *v.* Robinson [1951] 2 K.B. 60; [1951] 1 All E.R. 209, C.A.

Burrell and Kinnaird *v.* Attorney-General [1937] A.C. 286; [1936] 3 All E.R. 758, H.L. *Distinguished*, Commissioner of Stamp Duty of New South Wales *v.* Way [1952] A.C. 95; [1951] 2 T.L.R. 123; [1952] 1 All E.R. 198, P.C.

Burrell *v.* Simpson (1877) 4 Rettie 177, 182. *Dicta of Lord Inglis considered*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Burroughes *v.* Abbott [1922] 1 Ch. 86; 38 T.L.R. 167. *Applied*, Jefferson *v.* Jefferson [1956] P. 136; [1955] 3 W.L.R. 1001, C.A.

Burrows *v.* Rhodes [1899] 1 Q.B. 816; 15 T.L.R. 286, D.C. *Approved*, Strongman (1945) *v.* Sincock [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360, C.A.

Burrows *v.* Walls (1855) 5 De G.M. & G. 233, L.C. *Applied*, Hawkesley *v.* May [1956] 1 Q.B. 304; [1955] 3 W.L.R. 569

Burton *v.* Holdsworth [1951] W.N. 343; [1951] 2 All E.R. 148. *Affirmed* [1951] 2 K.B. 703; [1951] 2 T.L.R. 435; [1951] 2 All E.R. 381, C.A.

Burton *v.* Ogdens (Brighton) (1952) 23 D.R.A. 246. *Considered*, B.P. Refinery (Kent) *v.* Walker (Valuation Officer) [1957] 2 Q.B. 305; [1957] 2 W.L.R. 909, C.A.

Burton's Settlement Trusts, In re, Public Trustee *v.* Montefiore [1954] 3 W.L.R. 574; [1954] 3 All E.R. 231. *Reversed* [1955] Ch. 348; [1955] 2 W.L.R. 452; [1955] 1 All E.R. 433, C.A. *Dictum of Evershed M.R. considered*, In re Atkinson's Will Trust [1957] Ch. 117; [1956] 3 W.L.R. 900

Bury Corporation *v.* Lancashire and Yorkshire Railway Co. (1888) 20 Q.B.D. 485, 490, C.A. *Observation of Fry L.J. considered*, Monmouthshire County Council *v.* British Transport Commission [1957] 1 W.L.R. 1146, C.A.

Bush *v.* Whitehaven Port and Town Trustees (1888) 52 J.P. 392. *Distinguished*, Davis Contractors *v.* Fareham Urban District Council [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388, C.A.; [1956] 3 W.L.R. 38, H.L.

Bush, Beach & Gent *v.* Road [1939] 2 K.B. 524; 55 T.L.R. 862; [1939] 2 All E.R. 302. *Applied*, Household *v.* Grimshaw [1953] 1 W.L.R. 710

Bushford *v.* Falco [1954] 1 W.L.R. 672, 676; [1954] 1 All E.R. 957. *Dicta of Evershed M.R.*, Tickner *v.* Hearn [1960] 1 W.L.R. 1406

Bute (Marquis) *v.* Prenderleith, 1921 S.C. 281. *Considered*, R. M. R. Housing Society Ltd. *v.* Combs [1951] 1 K.B. 486; [1951] 1 T.L.R. 1; [1951] 1 All E.R. 16, C.A.

Butler *v.* Butler (1890) 15 P.D. 126. *Distinguished*, Schlesinger *v.* Schlesinger [1959] 1 W.L.R. 92

Butler *v.* Gregory (1912) 18 T.L.R. 370. *Approved*, In re M., An Infant [1955] 2 Q.B. 479; [1955] 3 W.L.R. 321, C.A.

Butler *v.* Standard Telephones and Cables [1940] 1 K.B. 399; 56 T.L.R. 273; [1940] 1 All E.R. 121. *Applied*, McCombe *v.* Read [1955] 2 Q.B. 429; [1955] 1 W.L.R. 635

Butler *v.* Rice [1910] 2 Ch. 277. *Considered*, Ghana Commercial Bank *v.* Chandiram [1960] A.C. 732; [1960] 3 W.L.R. 328

Butlins Ltd. *v.* Fytche [1948] 1 All E.R. 737, C.A. *Distinguished*, Williams *v.* Viscount Portman [1951] 2 K.B. 948; [1951] 2 T.L.R. 526; [1951] 2 All E.R. 539, C.A.

Butt *v.* Kelson [1952] Ch. 197; sub nom. In re Butt, Butt *v.* Kelson [1952] 1 T.L.R. 214; [1952] 1 All E.R. 167, C.A. *Observation not applied*, In re George Whichelow [1954] 1 W.L.R. 5

Butterfield, Ex parte (1847) De G. 570. *Considered*, In re Meade (A Bankrupt) [1951] Ch. 774; [1951] 2 T.L.R. 111; [1951] 2 All E.R. 168, D.C.

Butterworth *v.* Butterworth and Englefield [1920] P. 126, 136; 36 T.L.R. 265. *Dicta of McCardie J. applied*, Williams *v.* Settle [1960] 1 W.L.R. 1072

Butterworth *v.* Page (1933) 150 L.T. 262, C.A.; (1935) 153 L.T. 34. *Considered*, Moriarty *v.* Evans Medical Supplies [1958] 1 W.L.R. 67

Bwllfa & Merthyr Dare Steam Collieries (1891) *v.* Pontypridd Waterworks Co. [1903] A.C. 426; 19 T.L.R. 673. *Applied*, London County Council *v.* Tobin [1959] 1 W.L.R. 354, C.A.

Byng *v.* Strafford (Lord) (1843) 5 Beav. 558. *Affirmed*, sub nom. Hoare *v.* Byng (1844) 10 Cl. & Fin. 508, H.L. *Followed*, In re Gouk, decd. Allen *v.* Allen [1957] 1 W.L.R. 493

Byrne *v.* Boadle (1863) 2 H. & C. 722. *Applied*, Walsh *v.* Holst & Co. [1958] 1 W.L.R. 800, C.A.

Byrne *v.* Kinematograph Renters Society Ltd. [1958] 1 W.L.R. 762, 784; [1958] 2 All E.R. 578. *Applied*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223

C. W. M., In re, 1941, No. 2396 [1951] 2 K.B. 714; [1951] 2 All E.R. 707, C.A. *Considered*, Downshire Settled Estates, In re [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.; In re C, 1958 No. 1950 [1960] 1 W.L.R. 92

Cababé *v.* Walton-on-Thames District Council [1913] 1 K.B. 481, C.A. *Applied*, Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

Cade *v.* British Transport Commission [1957] 1 W.L.R. 947; [1957] 3 All E.R. 87, C.A. *Decision of the Court of Appeal affirmed* [1959] A.C. 256; [1958] 1 W.L.R. 118, H.L.

Cadle *v.* Moody (1861) 30 L.J.Ex. 385. *Applied*, Barclays Bank *v.* Stasek [1956] 3 W.L.R. 760

Cadle (Percy E.) & Co. *v.* Jacmarch Properties & Co. [1957] 1 Q.B. 323; [1957] 2 W.L.R. 80; [1957] 1 All E.R. 148. *Distinguished*, Joel *v.* Swaddle [1957] 1 W.L.R. 1094, C.A.

Cadogan *v.* Henthorne [1957] 1 W.L.R. 1; [1956] 3 All E.R. 851. *Applied*, Legge *v.* Matthews [1960] 1 Q.B. 37; [1960] 2 W.L.R. 620

Caffin *v.* Aldridge [1895] 2 Q.B. 648; 12 T.L.R. 27, C.A. *Distinguished*, City and Westminster Properties (1934) *v.* Mudd [1959] Ch. 129; [1958] 3 W.L.R. 312

Cain, decd., In re [1950] V.L.R. 382. *Considered*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Cairncress *v.* Loumer (1860) 3 L.T. 130, H.L. *Applied*, Hopgood *v.* Brown [1955] 1 W.L.R. 213

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Calcraft *v.* Guest [1898] 1 Q.B. 759, C.A. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C. *Explained and distinguished*, Schneider *v.* Leigh [1955] 2 Q.B. 195; [1955] 2 W.L.R. 904, C.A.

Caldow *v.* Pixell (1877) 36 L.T. 469, 470. *Applied*, Edward Ramia Ltd. *v.* African Woods Ltd. [1960] 1 W.L.R. 86

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Cale *v.* James [1897] 1 Q.B. 418; 13 T.L.R. 169, D.C. *Distinguished*, J. N. Nabarro & Sons *v.* Kennedy [1955] 1 Q.B. 575; [1954] 3 W.L.R. 296

Callaghan *v.* Kidd (Fred) & Son (Engineers) [1944] 1 K.B. 560; 60 T.L.R. 409; [1944] 1 All E.R. 525, C.A. *Considered*, Walter Wilson & Son *v.* Summerfield [1956] 1 W.L.R. 1430, D.C.

Callister *v.* Callister (1947) 63 T.L.R. 503, C.A. *Considered*, Brown *v.* Brown [1956] P. 438; [1956] 2 W.L.R. 1000, D.C.

Calvin's Case (1609) 7 Co.Rep. 1. *Considered*, Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, D.C.

Cameron, decd., In re, Currie *v.* Milligan [1954] 1 W.L.R. 1375; [1954] 3 All E.R. 329. *Affirmed* [1955] 1 W.L.R. 140, C.A.

Cameron *v.* Lightfoot (1778) 2 Wm.Bl. 1190, 96 E.R. 701. *Applied*, In re Hunt [1959] 1 Q.B. 378; [1959] 2 W.L.R. 95; [1959] 2 Q.B. 69, D.C.; [1959] 2 W.L.R. 686, C.A.

Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167; [1954] 2 All E.R. 466, C.A. *Affirmed* [1956] A.C. 39; [1955] 3 W.L.R. 451, H.L.

Caminer *v.* Northern & London Investment Trust Ltd. [1949] 2 K.B. 64; 65 T.L.R. 302; [1949] 1 All E.R. 874, C.A. *Affirmed* [1951] A.C. 88; 66 T.L.R. (Pt. 2) 184; [1950] 2 All E.R. 486, H.L.

Cammell Laird & Co. *v.* Manganese Bronze and Brass Co. [1934] A.C. 402, 423; 50 T.L.R. 350. *Dictum of Lord Wright considered*, Ashford Shire Council *v.* Dependable Motors Pty. Ltd. [1961] A.C. 336; [1960] 3 W.L.R. 999

Campbell, In re (1923) 10 T.C. 585. *Considered*, In re Pratt. Ex parte Inland Revenue Commissioners *v.* Phillips [1951] Ch. 225; 66 T.L.R. (Pt. 2) 847; [1950] 2 All E.R. 994, C.A.

Campbell (Donald) & Co. *v.* Pollak [1927] A.C. 732, 809; 43 T.L.R. 787, H.L. *Applied*, Lewis *v.* Haverfordwest Rural District Council [1953] 1 W.L.R. 1486. *Considered*, Karikari *v.* Agyekum II [1955] A.C. 640; [1955] 3 W.L.R. 126, P.C. *Observations of Lord Cave L.C. applied*, Wootton *v.* Central Land Board [1957] 1 W.L.R. 426, C.A. *Applied*, Wagman *v.* Vare Motors [1959] 1 W.L.R. 853, C.A.

Campbell Coverings, In re [1953] Ch. 488; [1953] 2 W.L.R. 1135; [1953] 2 All E.R. 74, C.A. *Followed*, Campbell Coverings (No. 2), In re [1954] Ch. 225; [1954] 2 W.L.R. 204

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Canadian Pacific Railway Co. *v.* Lockhart [1942] A.C. 591; [1942] 2 All E.R. 464, P.C. *Applied*, London County Council *v.* Cattermoles (Garages) [1953] 1 W.L.R. 997, C.A.; Trust Co. *v.* De Silva [1956] 1 W.L.R. 377, P.C.; Harvey *v.* R. G. O'Dell, Galway (Third Party) [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473

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Cannon *v.* Villars (1878) 8 Ch.D. 415. *Observations of Jessel M.R. applied*, Bulstrode *v.* Lambert [1953] 1 W.L.R. 1064

Canterbury (Archbishop) *v.* Robertson (1833) 1 Cr. & M. 690. *Followed*, Harvell *v.* Foster [1954] 2 Q.B. 367; [1954] 3 W.L.R. 351, C.A.

Canterbury Corporation *v.* Cooper (1909) 100 L.T. 597. *Distinguished*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

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Cap Palos, The [1921] P. 458; 37 T.L.R. 921. *Applied*, Sze Hai Tong Bank *v.* Rambler Cycle Co. [1959] A.C. 576; [1959] 3 W.L.R. 214, P.C.

Cape Brandy Syndicate *v.* Inland Revenue Commissioners [1921] 2 K.B. 403; 37 T.L.R. 402, C.A. *Applied*, Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167, C.A.

Cape Breton Co., In re (1881) 19 Ch.D. 77, C.A. *Distinguished*, Morgan *v.* Grey [1953] Ch. 83; [1953] 2 W.L.R. 140

Capel St. Mary, Suffolk (Rector and Churchwardens) *v.* Packard [1927] P. 289. *Distinguished*, In re St. Saviour's Church, Walthamstow [1951] P. 147; 66 T.L.R. (Pt. 2) 666; [1950] 2 All E.R. 812; In re St. Peter, St. Helier, Morden, and In re St. Olave, Mitcham [1951] P. 303; [1951] 1 T.L.R. 1033; [1951] 2 All E.R. 53. *Applied*, In re Lapford (Devon) Parish Church [1954] P. 416; [1954] 2 W.L.R. 1105; In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129. *Considered*, In re Lapford (Devon) Parish Church, [1954] P. 416; [1954] 3 W.L.R. 748, C.A.

Capital and Counties Bank *v.* Henty (1882) 7 App.Cas. 741, H.L. *Considered*, Morris *v.* Sanders Universal Products [1954] 1 W.L.R. 67, C.A.

Capital and National Trust *v.* Golder [1949] W.N. 463; 65 T.L.R. 772; [1949] 2 All E.R. 956, C.A. *Referred to*: Sun Life Assurance Society *v.* Davidson (Inspector of Taxes) [1956] Ch. 524; [1956] 2 W.L.R. 72; [1956] 3 W.L.R. 239, C.A.

Capital and Provincial Property Trust *v.* Rice [1952] A.C. 142; [1951] 2 T.L.R. 557; [1951] 2 All E.R. 600, H.L. *Applied*, Higgins *v.* Silverston [1956] 2 Q.B. 525; [1956] 3 W.L.R. 448, C.A.

Caplin's Will, In re (1865) 2 Drew. & Sm. 527. *Distinguished*, In re Coates, decd., Ramsden *v.* Coates [1955] Ch. 495; [1954] 3 W.L.R. 959

Carapanayoti & Co. Ltd. *v.* E. T. Green Ltd. [1959] 1 Q.B. 131; [1958] 3 W.L.R. 390; [1958] 3 All E.R. 115. *Overruled*, Albert D. Gaon & Co. *v.* Société Interprofessionelle des Oléagineux Fluides Alimentaires; Tsakiroglou & Co. Ltd. *v.* Noblee Thorl G.m.b.H. [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869, 886. *Distinguished*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Cardiff Archdiocese Trustees *v.* Pontypridd Assessment Committee (1930) 46 T.L.R. 633. *Considered*, Rogers *v.* Lewisham Borough Council [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718, C.A.

Cardiff Rating Authority *v.* Guest Keen Baldwin's Iron & Steel Co. [1949] 1 K.B. 385; 65 T.L.R. 159; [1949] 1 All E.R. 27, C.A. *Considered and applied*, B.P. Refinery (Kent) *v.* Walker (Valuation Officer) [1957] 2 Q.B. 305; [1957] 2 W.L.R. 908, C.A. *Considered*, Shell-Mex & B.P. *v.* Holyoak [1958] 1 W.L.R. 331, C.A. [1959] 1 W.L.R. 188, H.L.

Carlton Steamship Co. Ltd. *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Carmarthenshire County Council *v.* Lewis. *See* Lewis *v.* Carmarthenshire County Council.

Carnarvon Harbour Acts, 1793–1903, In re, Thomas *v.* Attorney-General [1937] Ch. 72; [1936] 2 All E.R. 1325. *Distinguished*, Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 291

Carpenter *v.* Carpenter [1955] 1 W.L.R. 669; [1955] 2 All E.R. 449. *Considered*, Cade *v.* Cade [1957] 1 W.L.R. 570, D.C.

Carr *v.* Carr [1955] 1 W.L.R. 422; [1955] 2 All E.R. 61. *Applied*, Arnold *v.* Arnold [1957] P. 237; [1957] 2 W.L.R. 366; Mountbatten *v.* Mountbatten [1959] P. 43; [1959] 2 W.L.R. 128

Carroll, In re [1931] 1 K.B. 317; 47 T.L.R. 125, C.A. *Distinguished*, In re Aster [1955] 1 W.L.R. 466, C.A.

Carroll *v.* Andrew Barclay & Sons [1948] A.C. 477; 64 T.L.R. 384; [1948] 2 All E.R. 386, H.L. *Distinguished*, Dickson *v.* Flack [1953] 2 Q.B. 464; [1957] 3 W.L.R. 571. Close *v.* Steel Co. of Wales Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401. *Observations of Lord Parker and Lord Normand applied*, Frost *v.* John Summers & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794, C.A.; [1955] 2 W.L.R. 826, H.L. *Applied*, Quintas *v.* National Smelting Co. Ltd. [1960] 1 W.L.R. 217

Carron Park, The (1890) 15 P.D. 203; 6 T.L.R. 474. *Applied*, Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 597

Carslogie, The [1951] P. 167, C.A. *Reversed* [1951] W.N. 609; [1951] 2 T.L.R. 1099, H.L.

Carson (Inspector of Taxes) *v.* Cheyney's Executor [1958] Ch. 345; [1958] 3 All E.R. 573, H.L. affirming [1957] 3 W.L.R. 768; [1957] 3 All E.R. 391, C.A. *Decision of Court of Appeal affirmed* [1959] A.C. 412; [1958] 3 W.L.R. 740, H.L.

Carter *v.* Mace [1949] 2 All E.R. 714, D.C. *Distinguished*, Davies, Turner & Co. Ld. *v.* Brodie [1954] 1 W.L.R. 1364, D.C.

Carter *v.* Potato Marketing Board (1951) 84 C.L.R. 460. *Distinguished*, George Johnson *v.* Commissioner of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 456, P.C.

Carter *v.* Sharon (1936) 80 S.J. 511; [1936] 1 All E.R. 720. *Distinguished*, Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A.

Casey *v.* Casey [1949] P. 420; 65 T.L.R. 528; [1949] 2 All E.R. 110, C.A. *Distinguished*, Hill (orse. Petchey) *v.* Hill [1959] 3 W.L.R. 828. *Applied*, Ross Smith (orse. Radford) *v.* Ross Smith [1961] P. 39; [1960] 3 W.L.R. 753

Cassel, In re, Public Trustee *v.* Mountbatten [1927] 2 Ch. 275; 43 T.L.R. 743. *Distinguished*, In re Austin Motor Co. Ltd.'s Policies [1951] Ch. 1081; [1951] 2 T.L.R. 235, C.A.; In re Weigall's Will Trusts [1956] Ch. 424; [1956] 3 W.L.R. 12. *Followed*, In re Tapp [1959] Ch. 443; [1959] 2 W.L.R. 541, C.A. *Dictum of Russell J. considered*, Public Trustee *v.* Inland Revenue Commissioners [1960] A.C. 398; [1960] 2 W.L.R. 203, 212

Cassel's Will Trusts, In re, [1947] Ch. 1; [1946] 1 All E.R. 32, 704: *Not followed*, In re Weigall's Will Trusts [1956] Ch. 424; [1956] 3 W.L.R. 12

Cassidy *v.* Ministry of Health [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574, C.A. *Referred to*, Roe *v.* Minister of Health [1954] 1 W.L.R. 128. *Considered*, Higgins *v.* North West Metropolitan Hospital Board [1954] 1 W.L.R. 411. *Applied*, Roe *v.* Minister of Health [1954] 2 Q.B. 66; [1954] 2 W.L.R. 915, C.A.

Cassidy & Co. *v.* M'Aloon (1893) L.R.Ir. 32 Q.B. & Ex. 368. *Distinguished*, Fick & Fick *v.* Assimakis [1958] 1 W.L.R. 1006, C.A.

Castellain *v.* Preston (1883) 11 Q.B.D. 380, C.A. *Applied*, In re Miller, Gibb & Co. [1957] 1 W.L.R. 704

Castioni, In re [1891] 1 Q.B. 149; 7 T.L.R. 50, D.C. *Opinion of Hawkins J. not followed*, R. *v.* Governor of Brixton Prison, Ex parte Kolczynski [1955] 1 Q.B. 540; [1955] 2 W.L.R. 116, D.C.

Castle, In re, Nesbitt *v.* Baugh [1916] W.N. 195. *Applied*, Westminster Bank *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 242

Castle Laundry (Ludlow) *v.* Read [1955] 1 Q.B. 586; [1955] 2 W.L.R. 943; [1955] 2 All E.R. 154. *Distinguished*, Weinbergs Weatherproofs *v.* Radcliffe Paper Mill Co. [1958] Ch. 437; [1958] 2 W.L.R. 1.

Caswell *v.* Powell Duffryn Associated Collieries [1940] A.C. 152; 55 T.L.R. 1004; [1939] 3 All E.R. 722, H.L. *Referred to*, Jones *v.* Staveley Iron and Chemical Co. [1955] 1 Q.B. 474; [1955] 2 W.L.R. 69, C.A., sub nom. Staveley Iron and Chemical Co. [1956] A.C. 627; [1956] 2 W.L.R. 479, H.L. *Distinguished*, Hicks *v.* British Transport Commission [1958] 1 W.L.R. 493, C.A.

Cate *v.* Devon & Exeter Constitutional Newspaper Co. (1889) 40 Ch.D. 500; 5 T.L.R. 229. *Applied*, Football League *v.* Littlewoods Pools [1959] Ch. 637; [1959] 3 W.L.R. 42

Catmull, In re, Catmull *v.* Watts [1943] Ch. 262; 59 T.L.R. 192, 319; [1943] 2 All E.R. 115. *Applied*, Bates, decd., In re, Bates *v.* Rodway [1953] 1 W.L.R. 276

Catterall *v.* Sweetman (1845) 1 Rob.Eccl. 304. *Considered*, Hill (Ernest Clarence) *v.* Hill (Ernest Carlton) [1959] 1 W.L.R. 127, P.C.

Cavalier *v.* Pope [1906] A.C. 428; 22 T.L.R. 648, H.L. *Distinguished*, Greene *v.* Chelsea Borough Council [1954] 2 Q.B. 127; [1954] 3 W.L.R. 12, C.A.

Cavanagh *v.* Ulster Weaving Co. Ltd. [1959] 3 W.L.R. 262, 273; [1959] 2 All E.R. 745. *Dictum of Lord Keith of Avonholm considered*, Brown *v.* Rolls Royce Ltd. [1960] 1 W.L.R. 210, 213

Cave *v.* Capel [1953] 1 W.L.R. 1185; [1953] 2 All E.R. 929. *Reversed* [1954] 1 Q.B. 367; [1954] 2 W.L.R. 325, C.A.

Cavendish, In re, Grosvenor *v.* Butler [1912] 1 Ch. 794. *Distinguished*, In re Rydon's Settlement, Barclays Bank *v.* Everitt [1955] Ch. 1; [1954] 3 W.L.R. 480, C.A.

Celia (S.S.) *v.* Volturno (S.S.) [1921] 2 A.C. 544; 37 T.L.R. 969, H.L. *Applied*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] 2 W.L.R. 969

Cella, The (1888) 13 P.D. 82. *Applied*, John Carlbom & Co. *v.* Zafiro (Owners), The Zafiro [1960] P. 1; [1959] 3 W.L.R. 123

Central Argentine Railway *v.* Marwood [1915] A.C. 98, H.L. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Central London Property Trust Ltd. *v.* High Trees House Ltd. [1947] K.B. 130; 62 T.L.R. 557; [1956] 1 All E.R. 256. *Principle applied*, J. F. Perrott & Co. Ltd. *v.* Cohen [1951] 1 K.B. 705; [1950] 2 All E.R. 939, C.A. *Considered*, Combe *v.* Combe [1951] 2 K.B. 215; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767, C.A. *Followed*, Mitas *v.* Hyams [1951] 2 T.L.R. 1215, C.A.

Central London Railway Co. *v.* Inland Revenue Commissioners [1937] A.C. 77; 52 T.L.R. 581; [1936] 2 All E.R. 375, H.L. *Distinguished*, Hutton *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 729

Century Insurance Co. *v.* Northern Ireland Road Transport Board [1942] A.C. 509; [1942] 1 All E.R. 491, H.L. *Distinguished*, Crook *v.* Derbyshire Stone [1956] 1 W.L.R. 433

Ceylon University *v.* Fernando (1956) 58 N.L.R. 265. *Judgment of the Supreme Court of Ceylon reversed* [1960] 1 W.L.R. 223

Chadwick *v.* Bowman (1886) 16 Q.B.D. 56. *Distinguished*, Watson *v.* Cammell Laird & Co. (Shipbuilders & Engineers) [1959] 1 W.L.R. 702, C.A.

Challoner *v.* Robinson [1908] 1 Ch. 49; 24 T.L.R. 38, C.A. *Distinguished*, Automobile Proprietary *v.* Brown (Valuation Officer) [1955] 1 W.L.R. 573, C.A.

Champsey Bhara & Co. *v.* Jivraj Balloo Spinning and Weaving Co. [1923] A.C. 480; 39 T.L.R. 253, P.C. *Applied*, Taylor (David) & Son *v.* Barnett Trading Co. [1953] 1 W.L.R. 562, C.A.

Chan Kan *v.* The Queen [1955] A.C. 206; [1955] 2 W.L.R. 192; [1955] 1 All E.R. 266, P.C. *Applied*, Regina *v.* Lobell [1957] 1 Q.B. 547; [1957] 2 W.L.R. 525, C.C.A.

Chandler Bros. Ltd. *v.* Boswell [1936] 3 All E.R. 179. *Considered*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Chandler *v.* Strevett, 63 T.L.R. 84; [1947] 1 All E.R. 164, C.A. *Applied*, Piper *v.* Harvey [1958] 1 Q.B. 439; [1958] 2 W.L.R. 408, C.A.

Chandris *v.* Isbrandtsen-Moller Co. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 1) 971; [1950] 1 All E.R. 768. *Dictum of Devlin J. applied.* Coates *v.* Diment [1951] 1 All E.R. 890. *Applied*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714

Chandris *v.* Louis Dreyfus & Co. (1934) 50 Ll.L.Rep. 141. *Considered*, Louis Dreyfus & Cie. *v.* Parnaso Cia. Naviera S.A. [1960] 2 W.L.R. 637, 642

Chang Hang Kiu *v.* Piggott [1909] A.C. 312; 25 T.L.R. 381, P.C. *Considered*, Samaratunga *v.* The Queen [1958] A.C. 424; [1958] 3 W.L.R. 4, P.C.

Chanmalswami *v.* Gangadharappa (1914) I.L.R. 39 Bom. 339. *Referred to*, Tzamburakis *v.* Rodoussakis [1958] A.C. 469; [1958] 3 W.L.R. 265, P.C.

Chapman *v.* Chapman [1954] A.C. 429; [1954] 2 W.L.R. 723; [1954] 1 All E.R. 798, H.L. *Referred to*, In re Lord Hylton's Settlement, Barclays Bank *v.* Jolliffe [1954] 1 W.L.R. 1055, C.A. In re Harrison's Share under a Settlement, Harrison *v.* Harrison [1954] 3 W.L.R. 156; [1955] Ch. 260; [1955] 2 W.L.R. 256, C.A. *Distinguished*, Thomson *v* Thomson and Whitmee [1954] P. 384; [1954] 3 W.L.R. 241. *Applied*, In re Forster's Settlement [1954] 3 W.L.R. 1450. In re Heyworth's Contingent Reversionary Interest [1956] Ch. 364; [1956] 2 W.L.R. 1045. *Considered*, In re Powell-Cotton's Resettlement [1956] 1 W.L.R. 24, C.A.

Chapman *v.* Chapman, unreported C.A., April 4, 1957. *Applied*, Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C.

Chapman *v.* Michaelson [1908] 2 Ch. 612; 24 T.L.R. 795. *Affd.* [1909] 1 Ch. 238; 25 T.L.R. 101, C.A. *Considered*, Kasumu *v.* Baba-Egbe [1956] A.C. 539; [1956] 3 W.L.R. 576, P.C.

Chapman's Settlement Trusts, In re, Chapman *v.* Chapman [1953] Ch. 218; [1953] 2 W.L.R. 94; [1953] 1 All E.R. 103, C.A. *Affirmed* sub nom. Chapman *v.* Chapman [1954] A.C. 429; [1954] 2 W.L.R. 723, H.L. *Referred to*, In re Yates' Settlement Trusts, Yates *v.* Yates [1954] 1 W.L.R. 564, C.A. *Applied*, In re Cockerell's Settlement Trusts [1956] Ch. 372; [1956] 2 W.L.R. 1050

Chappell & Co. *v.* Nestlé Co. [1958] Ch. 529; [1958] 2 W.L.R. 657; [1958] 2 All E.R. 155. *Decision of Court of Appeal reversed*, Chappell & Co. *v.* Nestlé Co. [1960] A.C. 87; [1959] 3 W.L.R. 168, H.L.

Chapple, Ex parte (1950) 66 T.L.R. (Pt. 2) 932, C.A. *Questioned*, In re Hastings (No. 3) [1959] 1 Q.B. 358; [1958] 3 W.L.R. 768

Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954; [1955] 3 All E.R. 721. *Considered*, N. *v.* N. L. *v.* L. C. *v.* C. [1957] P. 385; [1957] 2 W.L.R. 478

Charlesby *v.* Charlesby (1947) 176 L.T. 532, C.A *Dicta of Tucker L.J. applied*, Simpson *v.* Simpson [1954] 1 W.L.R. 994, C.A.

Charlesworth, In re [1912] 1 Ch. 319. *Disapproved*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A.

Charlton *v.* Attorney-General (1879) 4 App.Cas. 427, H.L. *Considered and applied*, In re Churston Settled Estates [1954] Ch. 334; [1954] 2 W.L.R. 386

Chartered Bank of India, Australia and China *v.* British India Steam Navigation Co. [1909] A.C. 369; 25 T.L.R. 480. *Distinguished*, Sze Hai Tong Bank *v.* Rambler Cycle Co. [1959] A.C. 576; [1959] 3 W.L.R. 214, P.C.

Chartered Insurance Institute *v.* London Corporation [1957] 1 W.L.R. 867; [1957] 2 All E.R. 638, D.C. *Explained*, Berry *v.* St. Marylebone Borough Council [1958] Ch. 406; [1957] 3 W.L.R. 1030, C.A.

Chartres, In re [1927] 1 Ch. 466. *Considered*, In re Bleckly, decd. [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064, C.A.

Chatsworth Estates Co. *v.* Fewell [1931] 1 Ch. 224. *Considered*, In re Truman, Hanbury, Buxton & Co. Ltd.'s Application [1956] 1 Q.B. 261; [1955] 3 W.L.R. 705, C.A.

Chatterton, Ex parte. *See* In re Van Laun.

Cheldale (The) [1947] A.C. 265; 63 T.L.R. 11; [1946] 2 All E.R. 696, H.L. *Applied*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Chell Engineering *v.* Unit Tool and Engineering Co. [1950] W.N. 146; [1950] 1 All E.R. 378, C.A. *Distinguished*, Childs *v.* Gibson [1954] 1 W.L.R. 809, C.A.

Chelliah *v.* Wijenathan (1951) 54 N.L.R. 337. *Considered*, Adamjee *v.* Sadeen [1957] A.C. 94; [1957] 2 W.L.R. 68, P.C.

Chesham (Lord), In re (1886) 31 Ch.D. 466; 2 T.L.R. 265. *Applied*, In re Dicey, decd. Julian *v.* Dicey [1956] Ch. 357; [1956] 3 W.L.R. 981, C.A.

Cheshire *v.* Bailey [1905] 1 K.B. 237; 21 T.L.R. 130, C.A. *Considered*, United Africa Co. *v.* Saka Owoade [1955] A.C. 130; [1955] 2 W.L.R. 13, P.C.

Chesterman's Trusts, In re [1923] 2 Ch. 466. *Considered*, Bonython *v.* Commonwealth of Australia [1951] A.C. 201; 66 T.L.R. (Pt. 2) 969, P.C.

Chetty *v.* Chetty [1916] 1 A.C. 603, P.C. *Applied*, Biles *v.* Caesar [1957] 1 W.L.R. 156, C.A.

Chetwynd *v.* Allen [1899] 1 Ch. 353. *Considered*, Ghana Commercial Bank *v.* Chandiram [1960] A.C. 732; [1960] 3 W.L.R. 328

Chicago Railway Terminal Elevator Co. *v.* Inland Revenue Commissioners (1896) 75 L.T. 157. *Applied*, Governments Stock and Other Securities Investment Co. *v.* Christopher [1956] 1 W.L.R. 238

Chichester *v.* Chichester [1936] P. 129; 52 T.L.R. 265; [1936] 1 All E.R. 271. *Referred to*, Powell *v.* Powell [1951] P. 257, C.A. *Considered and applied*, J. *v.* J. [1955] P. 215; [1955] 2 W.L.R. 973

Chichester Diocesan Fund & Board of Finance (Incorporated) *v.* Simpson [1944] A.C. 341; 113 L.J.Ch. 225; 171 L.T. 141; 60 T.L.R. 492; 88 S.J. 246; [1944] 2 All E.R. 60, H.L. *Followed*, In re Cole [1958] Ch. 877; [1958] 3 W.L.R. 447, C.A.

Child *v.* Hearn (1874) L.R. 9 Ex. 176. *Applied*, Cooper *v.* Railway Executive [1953] 1 W.L.R. 223

Chilton *v.* Chilton [1952] P. 196; [1952] 1 T.L.R. 1316; [1952] 1 All E.R. 1322, D.C. *Applied*, Hartley *v.* Hartley [1955] 1 W.L.R. 384, D.C. *Considered*, Cooke *v.* Cooke [1960] 3 W.L.R. 807

Chinchen *v.* Chinchen [1950] W.N. 22, C.A. *Considered*, In re W. ——— (Infants) [1956] Ch. 384; [1956] 2 W.L.R. 494, C.A.

Chinnery-Haldane *v.* Sinclair, 1927 S.C. 562. *Approved*, Langford Property Co. Ltd. *v.* Batten [1951] A.C. 223; 66 T.L.R. (Pt. 2) 958; [1950] 2 All E.R. 1079, H.L.

Chipchase *v.* Chipchase [1939] P. 391; 55 T.L.R. 1067; [1939] 3 All E.R. 895. *Considered*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 955

Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 646; [1957] 1 All E.R. 882. *Applied*, Working Men's Club and Institute Union *v.* Swansea Corporation [1959] 1 W.L.R. 1197, C.A.

Chiwell *v.* Carlyon (1897) 14 S.C.(A.S.) 61. *Considered*, Callwood *v.* Callwood [1960] A.C. 659; [1960] 2 W.L.R. 705

Chogley *v.* Bains, Civil Appeal No. 57 of 1952. *Referred to*, Meghji Lakhamshi & Brothers *v.* Furniture Workshop [1954] A.C. 80; [1954] 2 W.L.R. 159, P.C.

Chowood Ltd. *v.* Lyall [1930] 2 Ch. 156, C.A. *Applied*, In re 139 Deptford High Street. Ex parte British Transport Commission [1951] Ch. 884; [1951] 1 T.L.R. 1045; [1951] 1 All E.R. 950

Christ's Hospital *v.* Grainger (1849) 1 Mac. & G. 460, L.C. *Applied*, In re Bland-Sutton, decd. National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494, C.A. *Considered*, In re Hanbey's Will Trusts. Cutler's Company *v.* President and Governors of Christ's Hospital, London [1956] Ch. 264; [1956] 2 W.L.R. 23

Christie *v.* Lord Advocate [1936] A.C. 569; [1936] 1 All E.R. 443, H.L. *Considered*, Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1959] Ch. 277; [1959] 2 W.L.R. 77

Christiansborg, The (1885) 10 P.D. 141; 1 T.L.R. 634, C.A. *Applied*, The Marinero [1955] P. 68; [1955] 2 W.L.R. 607

Christmas *v.* General Cleaning Contractors; Same *v.* Caledonian Club Trust [1952] 1 K.B. 141; [1951] 2 T.L.R. 1218; [1952] 1 All E.R. 39, C.A. *Followed*, Bates *v.* Parker [1953] 2 Q.B. 231; [1953] 2 W.L.R. 642, C.A. *Observations of Denning L.J. considered*, Cilia *v.* H. M. James & Sons (A Firm), Spark (Third Party) [1954] 1 W.L.R. 721. *Affirmed*, sub nom. General Cleaning Contractors *v.* Christmas [1953] A.C. 180; [1953] 2 W.L.R. 6, H.L.

Christy *v.* Courtenay (1849) 13 Beav. 96. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460

Chung Chi Cheung *v.* R. [1939] A.C. 160; 55 T.L.R. 184; [1938] 4 All E.R. 786. *Applied*, Anglo-Iranian Oil Co. *v.* Jaffrate [The Rose Mary] [1953] 1 W.L.R. 246

Church *v.* Brown (1808) 15 Ves. 258. *Dictum of Lord Eldon followed*, Cook *v.* Shoesmith [1951] 1 K.B. 752; [1951] 1 T.L.R. 194, C.A.

Church *v.* Church [1952] P. 313; [1952] 2 T.L.R. 557; [1952] 2 All E.R. 441. *Applied*, Bevan *v.* Bevan [1955] 1 W.L.R. 1142, D.C. *Distinguished*, Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229. Fishburn *v.* Fishburn [1955] P. 29; [1955] 2 W.L.R. 237

Churchill *v.* Churchill (1867), L.R. 5 Eq. 44. *Considered*, In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 60; [1954] 3 W.L.R. 581

Churston Settled Estates, In re [1954] 1 Ch. 334; [1954] 2 W.L.R. 386; [1954] 1 All E.R. 725. *Dicta of Roxburgh J. applied*, Commissioner of Estate and Succession Duties (Barbados) *v.* Bowring [1960] 3 W.L.R. 741

Ciampa *v.* British India S. N. Co. [1915] 2 K.B. 774. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665; Companie Algerienne de Meunerie *v.* Katana Societa di Navigatione Marittima, S.P.A. [1960] 2 Q.B. 115; [1960] 2 W.L.R. 723, 727

Cigala's Settlement Trusts, In re (1878) 7 Ch.D. 351. *Considered*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Cilia *v.* H. M. James & Sons [1954] 1 W.L.R. 721; [1954] 2 All E.R. 9. *Explained*, Wilson *v.* Tyneside Window Cleaning Co. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900, C.A.

City of Lincoln, The, (1889) 15 P.D. 15, C.A. *Applied*, The Guildford [1956] P. 364; [1956] 3 W.L.R. 475

City of London Ins. Co. Ltd., In re [1932] 1 Ch. 226; 48 T.L.R. 169. *Considered*, In re Apex Film Distributors Ltd. [1960] Ch. 378; [1960] 2 W.L.R. 350

City of Montreal *v.* Attorney-General for Canada [1923] A.C. 136, P.C. *Distinguished*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

City of Ottawa *v.* Wilson [1933] O.R. 21. *Applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

City Permanent Building Society *v.* Miller [1952] Ch. 840; [1952] 2 T.L.R. 547; [1952] 2 All E.R. 621, C.A. *Followed*, Hughes *v.* Waite [1957] 1 W.L.R. 714. *Considered*, Grace Rymer Investments *v.* Waite [1958] Ch. 314; [1958] 2 W.L.R. 200

Civil Service and General Store, In re (1887) 57 L.J.Ch. 119; 4 T.L.R. 168. *Distinguished*, In re T. W. Construction [1954] 1 W.L.R. 540

Claim by Herbert Wagg & Co., In re [1956] 1 Ch. 323; [1956] 2 W.L.R. 183; [1956] 1 All E.R. 129. *Considered*, In re United Railways of the Havana and Regla Warehouses [1958] Ch. 724; [1958] 2 W.L.R. 229

Clare *v.* Joseph [1907] 2 K.B. 369; 23 T.L.R. 498, C.A. *Considered*, In re A Solicitor [1956] 1 Q.B. 155; [1955] 3 W.L.R. 549, D.C.

Clark *v.* Clark [1950] W.N. 489. *Applied*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C.

Clark *v.* Molyneux (1877) 3 Q.B.D. 237, 243. *Applied*, "Truth" (N.Z.) Ltd. *v.* Holloway [1960] 1 W.L.R. 997

Clark, Son & Morland's Trade Mark, In re. *See* A. Barty & Co. *v.* Clark, Son & Morland.

Clark (F. A.) & Son Ltd. *v.* Inland Revenue Commissioners [1941] 2 K.B. 270; 57 T.L.R. 624; [1941] 2 All E.R. 651. *Considered*, S. Berendsen Ltd. *v.* Inland Revenue Commissioners [1957] 2 W.L.R. 448. *Applied* [1957] Ch. 1; [1957] 3 W.L.R. 164, C.A.

Clarke, In re, Coombe *v.* Carter (1887) 36 Ch.D. 348; 3 T.L.R. 818. *Followed*, Syrett *v.* Egerton [1957] 1 W.L.R. 1131, D.C.

Clarke *v.* Federal Commissioner of Taxation (1932) 48 C.L.R. 56. *Considered*, Newton *v.* Commissioner of Taxation of the Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195, P.C.

Clarke *v.* Grant [1950] 1 K.B. 104; 65 T.L.R. 241; [1949] 1 All E.R. 768. *Considered*, Isaac *v.* Hotel de Paris Ltd. [1960] 1 W.L.R. 239

Clarke *v.* Stanford (1871) L.R. 6 Q.B. 357. *Considered*, Cogley *v.* Sherwood. Car Hire Group (Skyport) *v.* Same. Howe *v.* Kavanaugh. Car Hire Group (Skyport) *v.* Same [1959] 2 Q.B. 311; [1959] 2 W.L.R. 781, D.C.

Clavering *v.* Ellison (1859) 7 H.L.Cas. 707, H.L. *Principle laid down by Lord Cranworth applied*, In re Murray, decd., Martins Bank *v.* Dill [1955] Ch. 69; [1954] 3 W.L.R. 521, C.A.

Clayards *v.* Dethick and Davis (1848) 12 Q.B. 439. *Followed*, Behrens *v.* Bertram Mills Circus Ltd. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 405. *Applied*, A. C. Billings & Sons *v.* Riden [1958] A.C. 240; [1957] 3 W.L.R. 496, H.L.

Clayton *v.* Ramsden [1943] A.C. 320; 59 T.L.R. 75; [1943] 1 All E.R. 16, H.L. *Considered*, Wolffe, In re, Shapley *v.* Wolffe [1953] 1 W.L.R. 1211; In re Brace, Gurton *v.* Clements [1954] 1 W.L.R. 955. *Distinguished*, Allen, In re, Faith *v.* Allen [1953] Ch. 810; [1953] 3 W.L.R. 637, C.A. *Applied*, In re Tarnpolsk, decd. [1958] 1 W.L.R. 1157

Clayton's Case (1816) 1 Mer. 572. *Applied*, A. M. K. M. K. *v.* Chettiar [1955] A.C. 230; [1955] 2 W.L.R. 213, P.C.

Clear *v.* Clear [1958] 1 W.L.R. 467; [1958] 2 All E.R. 353, C.A. *Approved*, Lewis *v.* Lewis [1958] P. 193; [1958] 2 W.L.R. 747, C.A. *Distinguished*, Long *v.* Long [1960] 1 W.L.R. 546

Clegg *v.* Edmondson (1857) 8 De G.M. & G. 787. *Dictum of Knight Bruce L.J. applied*, In re Jarvis, decd. Edge *v.* Jarvis [1958] 1 W.L.R. 815

Cleland, Ex parte (1867) L.R. 2 Ch. 808. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Clements *v.* London and North Western Railway Co. [1894] 2 Q.B. 482; 10 T.L.R. 539, C.A. *Applied*, Slade *v.* Metrodent [1953] 2 Q.B. 112; [1953] 2 W.L.R. 1202

Clifford *v.* Challen (Charles H.) & Son [1951] 1 K.B. 495; [1951] 1 T.L.R. 234; [1951] 1 All E.R. 72, C.A. *Discussed and distinguished on its facts*, Woods *v.* Durable Suites [1953] 1 W.L.R. 857, C.A.

Clifton *v.* Ridsdale (1875) 1 P.D. 316. *Distinguished*, In re St. Peter St. Helier, Morden, and In re St. Olave, Mitcham [1951] P. 303; [1951] 1 T.L.R. 1033; [1951] 2 All E.R. 53

Clouston & Co. *v.* Corry [1906] A.C. 122; 22 T.L.R. 107. *Dictum of Lord Hereford applied*, Laws *v.* London Chronicle (Indicator Newspapers) [1959] 1 W.L.R. 698, C.A.

Clueit *v.* Clueit [1958] 1 W.L.R. 463; [1958] 1 All E.R. 417. *Observations of Davies J. approved*, Clear *v.* Clear [1958] 1 W.L.R. 467, C.A. *Applied*, Lewis *v.* Lewis [1958] P. 193; [1958] 2 W.L.R. 747, C.A.

Clyde Engineering Co. *v.* Cowborn (1926) 37 C.L.R. 466. *Distinguished*, Charles Marshall Pty. *v.* Collins [1957] A.C. 274; [1957] 2 W.L.R. 601, P.C.

Clyde Navigation Trustees *v.* Adamson (1865) 4 Macq.H.L. 931. *Distinguished*, Arbuckle Smith & Co. Ltd. *v.* Greenock Corpn. [1960] A.C. 813; [1960] 2 W.L.R. 435

Clyde Navigation Trustees *v.* Glasgow Assessor, 1931 S.C. 400. *Considered*, Shell-Mex and B.P. *v.* Clayton [1955] 1 W.L.R. 984, C.A.

Clyde Navigation Trustees *v.* Inland Revenue Officer, 1930 S.C. 454. *Considered*, Shell-Mex and B.P. *v.* Clayton [1955] 1 W.L.R. 984, C.A.

Coates, In re [1955] Ch. 495; [1954] 3 W.L.R. 959; [1955] 1 All E.R. 26. *Distinguished*, In re Gresham's Settlement, Lloyds Bank *v.* Gresham [1956] 1 W.L.R. 574. *Referred to*, In re Sayer, MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 262

Coates *v.* National Trustees, Executors and Agency Co. Ltd. (1956) 95 C.L.R. 494. *Applied*, Dun *v.* Dun [1959] A.C. 272; [1959] 2 W.L.R. 554, P.C.

Coats (J. & P.) *v.* Inland Revenue Commissioners [1897] 1 Q.B. 778; *affirmed*, [1897] 2 Q.B. 423; 66 L.J.Q.B. 732; 77 L.T. 270; 61 J.P. 693; 13 T.L.R. 548; 46 W.R. 1, C.A. *Considered*, Robshaw Brothers *v.* Mayer [1957] Ch. 125; [1956] 1 W.L.R. 1049

Coats (J. & P.) *v.* Chadwick [1894] 1 Ch. 347; 10 T.L.R. 226. *Distinguished*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

Cobb *v.* Cobb [1955] 1 W.L.R. 731; [1955] 2 All E.R. 696. *Distinguished*, Jones *v.* Challenger [1960] 2 W.L.R. 695. *Dictum of Denning L.J. considered*, Short *v.* Short [1960] 1 W.L.R. 833

Cobb *v.* Lane [1952] 1 T.L.R. 1037; [1952] 1 All E.R. 1199, C.A. *Considered*, Isaac *v.* Hotel de Paris Ltd. [1960] 1 W.L.R. 239

Coburn *v.* Colledge [1897] 1 Q.B. 702; 13 T.L.R. 321, C.A. *Applied*, O'Connor *v.* Isaacs [1956] 2 Q.B. 288; [1956] 2 W.L.R. 587

Cockerill, In re [1929] 2 Ch. 131. *Distinguished*, In re Lander, decd. [1951] Ch. 546; [1951] 1 T.L.R. 456; [1951] 1 All E.R. 622

Cockhill *v.* Davies [1943] K.B. 508; 59 T.L.R. 259; [1943] 1 All E.R. 638, D.C. *Distinguished*, Rex *v.* London Quarter Session. Ex parte Bowes [1951] 1 K.B. 383; 66 T.L.R. (Pt. 2) 804; [1950] 2 All E.R. 1043, D.C.

Cocks *v.* Manners (1871) L.R. 12 Eq. 574. *Followed*, Warre's Will Trusts, In re, Wort *v.* Salisbury Diocesan Board of Finance [1953] 1 W.L.R. 725. *Considered*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Cockshott *v.* Public Trustee. *See* In re Scarisbrick.

Codd *v.* Delap [1906] W.N. 57. *Considered*, Gould *v.* National Provincial Bank Ltd. [1960] Ch. 337; [1960] 2 W.L.R. 417

Coe *v.* Clay (1829) 5 Bing. 440. *Referred to*, Miller *v.* Emcer Products [1956] Ch. 304; [1956] 2 W.L.R. 267, C.A.

Coffey *v.* Watts. *See* In re Watts.

Cohen *v.* Cohen [1940] A.C. 631; 56 T.L.R. 597; [1940] 2 All E.R. 331, H.L. *Applied*, W. *v.* W. (No. 2) [1954] P. 486; [1954] 3 W.L.R. 381, C.A.; Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229

Cohen *v.* Lester (J.) [1939] 1 K.B. 504; [1938] 4 All E.R. 188. *Considered*, Kasumu *v.* Baba-Egbe [1956] A.C. 539; [1956] 3 W.L.R. 576, P.C.

Cohen and Moore *v.* Inland Revenue Commissioners [1933] 2 K.B. 126. *Distinguished*, Grey *v.* Inland Revenue Commissioners [1958] Ch. 375; [1958] 2 W.L.R. 168

Cohn *v.* Davidson (1877) 2 Q.B.D. 455. *Applied*, Compagnie Algerienne de Meunerie *v.* Katana Societa di Navigatione Marittima, S.P.A. [1960] 2 Q.B. 115; [1960] 2 W.L.R. 719

Colchester *v.* Peck [1926] 2 K.B. 366; 42 T.L.R. 535, D.C. *Considered*, Dankbars, In re [1954] Ch. 98; [1953] 3 W.L.R. 957, D.C.

Cole, In re [1919] 1 Ch. 218; 35 T.L.R. 183. *Distinguished*, In re Bedford, decd. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093

Cole, In re. Westminster Bank *v.* Moore [1958] Ch. 877; [1958] 3 W.L.R. 447; [1958] 3 All E.R. 102, C.A. *Applied and distinguished*, In re Sahal's Will Trusts [1958] 1 W.L.R. 1243. *Considered*, In re Cohen, decd. [1960] Ch. 179; [1959] 3 W.L.R. 916

Cole *v.* Harris [1945] K.B. 474; 61 T.L.R. 440; [1945] 2 All E.R. 146, C.A. *Referred to*, Goodrich *v.* Paisner [1957] A.C. 65; [1956] 2 W.L.R. 1053, H.L.

Cole *v.* United Dairies (London) [1941] 1 K.B. 100; 57 T.L.R. 102; [1940] 4 All E.R. 318, C.A. *Distinguished*, Buckingham *v.* Daily News [1956] 2 Q.B. 534; [1956] 3 W.L.R. 375, C.A.

Coleman, In re, Public Trustee *v.* Coleman [1936] Ch. 528; [1936] 2 All E.R. 225. *Applied*, In re, Allan, decd. [1958] 1 W.L.R. 220.

Coleman *v.* Coleman [1955] 1 W.L.R. 1235; [1955] 3 All E.R. 617, C.A. *Considered*, Sharma *v.* Sharma and Davis [1959] 1 W.L.R. 1035, C.A.

Coleman & Jarrom, In re (1876) 4 Ch.D. 165. *Applied*, In re Peacock, decd. [1957] Ch. 310; [1957] 2 W.L.R. 793

Colfar *v.* Coggins & Griffith (Liverpool) Ltd. [1945] A.C. 197, 203; 61 T.L.R. 238; [1945] 1 All E.R. 326, H.L. *Dictum of Viscount Simon L.C. considered*, Dixon *v.* Cementation Co. Ltd. [1960] 1 W.L.R. 746

Coliseum (Barrow), In re [1930] 2 Ch. 44. *Applied*, In re Transplanters (Holding Company) [1958] 1 W.L.R. 822

Coller's Deed Trusts, In re, Coller *v.* Coller [1939] Ch. 277; 53 T.L.R. 859; [1937] 3 All E.R. 292, C.A. *Considered*, In re Cameron, decd., Currie *v.* Milligan [1954] 1 W.L.R. 1375; [1955] 1 W.L.R. 140

Collier *v.* Mason (1858) 25 Beav. 200. *Applied*, Dean *v.* Prince [1954] Ch. 409; [1954] 2 W.L.R. 538, C.A.

Collier (H.) & Sons *v.* Inland Revenue Commissioners [1933] 1 K.B. 488; 49 T.L.R. 46, C.A. *Not followed*, A. & J. Mucklow *v.* Inland Revenue Commissioners [1954] Ch. 615; [1954] 3 W.L.R. 129, C.A.

Colima, The (1897) 82 Fed. 665. *Considered*, Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 87, 103

Collingwood *v.* Home & Colonial Stores (1936) 53 T.L.R. 53; [1936] 3 All E.R. 200, C.A. *Followed*, Solomons *v.* R. Gertzenstein [1954] 1 Q.B 565; [1954] 2 W.L.R. 823

Collins *v.* Collins [1943] P. 106. *Referred to*, Powell *v.* Powell [1951] P. 257, C.A.

Collins *v.* Hertfordshire County Council [1947] K.B. 598; 63 T.L.R. 317; [1947] 1 All E.R. 633. *Considered*, Cassidy *v.* Ministry of Health [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574, C.A.

Colls *v.* Parnham [1922] 1 K.B. 325. *Approved*, Harnam Singh *v.* Jamal Pirbhai [1951] A.C. 688, P.C.

Colmer *v.* Ede (1870) 40 L.J.Ch. 185. *Overruled*, Barratt *v.* Gouch-Thomas [1951] Ch. 242; (1950) 66 T.L.R. (Pt. 2) 1059; [1950] 2 All E.R. 1048, C.A.

Colne Valley Water Co. *v.* Watford and St. Albans Gas Co. [1948] 1 K.B. 500; 64 T.L.R. 44; [1948] 1 All E.R. 104. *Considered*, Mascherpa *v.* Direct Ltd. [1960] 1 W.L.R. 447, 451

Colonial Bank of Australasia *v.* Willan (1874) L.R. 5 P.C. 417. *Dictum of Sir James Colvile applied*, R. *v.* Ashford, Kent, JJ. Ex parte Richley (No. 2) [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778, C.A.

Colonial Building & Investment Association *v.* Attorney-General of Quebec (1883) 9 App.Cas. 157, P.C. Considered, Attorney-General for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418, P.C.

Colonial Insurance Company of New Zealand *v.* Adelaide Marine Insurance Co. (1887) 12 App. Cas. 128; 3 T.L.R. 252. *Applied*, McDougall *v.* Aeromarine of Emsworth [1958] 1 W.L.R. 1126

Colonial Sugar Refining Co. Ltd. *v.* Irving [1905] A.C. 369; 21 T.L.R. 513, P.C. *Distinguished*, Attorney-General *v.* Vernazza [1960] A.C. 965; [1960] 3 W.L.R. 466, H.L.

Colquitt *v.* Colquitt [1948] P. 19; 63 T.L.R. 358; [1947] 2 All E.R. 50, D.C. *Dictum of Lord Merriman P. followed*, Harrison *v.* Harrison [1951] P. 476; [1951] 2 T.L.R. 242; [1951] 2 All E.R. 346. *Considered*, Galloway *v.* Galloway [1954] P. 312; [1954] 2 W.L.R. 980, C.A.

Columbia Gramophone Co. *v.* Murray (1922) 39 R.P.C. 239. *Distinguished*, Goodyear Tyre and Rubber Co. (Great Britain) *v.* Lancashire Batteries [1958] 1 W.L.R. 857, C.A.

Colvin *v.* Bradley Brothers Pty. (1943) 68 C.L.R. 151. *Distinguished*, Charles Marshall Pty. *v.* Collins [1957] A.C. 274; [1957] 2 W.L.R. 601, P.C.

Coman *v.* Rotunda Hospital, Dublin (Governors) [1921] 1 A.C. 1; 36 T.L.R. 646, H.L. *Applied*, Jennings (Inspector of Taxes) *v.* Middlesbrough Corporation [1953] 1 W.L.R. 833

Combe, In re [1925] Ch. 210. *Followed*, In re Perowne, decd. [1951] Ch. 785; [1951] 1 T.L.R. 1135; [1951] 2 All E.R. 201

Combe *v.* Combe [1951] 2 K.B. 215, 220; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767, C.A. *Dictum of Denning L.J. applied*, Braithwaite *v.* Winwood [1960] 1 W.L.R. 1257

Comber *v.* Leyland and Bullins [1898] A.C. 524. *Applied*, Cuban Atlantic Sugar Sales Corpn. *v.* Compania de Vapores San Elefterio Limitada [1960] 1 Q.B. 187; [1960] 2 W.L.R. 26

Commercial Air Hire *v.* Wrightways [1938] 1 All E.R. 89. *Applied*, Vinall *v.* Howard [1953] 1 W.L.R. 987

Commercial Bank of Scotland *v.* Glasgow Corpn., 1925 S.L.T.(Sh.Ct.) 142. *Overruled*, Arbuckle Smith & Co. Ltd. *v.* Greenock Corpn. [1960] A.C. 813; [1960] 2 W.L.R. 435, 440

Commercial Bank of South Australia, In re (1886) 33 Ch.D. 174; 2 T.L.R. 714. *Explained*, In re Hibernian Merchants [1958] Ch. 76; [1957] 3 W.L.R. 487

Commercial Molasses Corporation *v.* New York Tank Barge Corporation [1941] A.M.C. 1697; 314 U.S. 104. *Distinguished*, The Southern Sword [1951] 2 T.L.R. 1158

Commissioner of Income Tax *v.* J. L. D. Peiris (1956) 58 C.N.L.R. 4. *Reversed*, sub nom. Speldwinde (Commissioner of Income Tax) *v.* J. L. D. Peiris [1958] A.C. 1; [1957] 3 W.L.R. 673, P.C.

Commissioners of Inland Revenue *v.* Forrest (1890) 15 App.Cas. 334; 6 T.L.R. 456, H.L. *Considered*, Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 96, D.C.

Commissioner of Stamps, Straits Settlements *v.* Oei Tjong Swan [1933] A.C. 378; 49 T.L.R. 428, P.C. *Followed*, Tennekoon *v.* Duraisamy [1958] A.C. 354; [1958] 2 W.L.R. 994, P.C.

Commissioner of Stamp Duties (N.S.W.) *v.* Owens (1953) 88 C.L.R. 67. *Approved*, Chick *v.* Commissioner of Stamp Duties [1958] A.C. 435; [1958] 3 W.L.R. 93, P.C.

Commonwealth, The *v.* Arklay (1952) 87 C.L.R. 159. *Approved and applied*, Minister for Public Works *v.* Thistlethwayte [1954] A.C. 475; [1954] 3 W.L.R. 305, P.C.

Commonwealth, The *v.* Quince (1944) 68 C.L.R. 227. *Approved*, Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707, P.C.

Commonwealth of Australia *v.* Bank of New South Wales [1950] A.C. 235; 65 T.L.R. 633; [1949] 2 All E.R. 755, P.C. *Referred to*, Nelungaloo Pty. Ltd. *v.* Commonwealth of Australia [1951] A.C. 34, P.C. *Referred to*, Hughes and Vale Pty. *v.* State of N.S.W. Australian Commonwealth, Interveners [1955] A.C. 241; [1954] 3 W.L.R. 824, P.C.; O'Sullivan *v.* Noarlunga Meat Ltd. [1957] A.C. 1; [1956] 3 W.L.R. 436

Compania Naviera Maropan S/A.V. Bowaters Lloyd Pulp and Paper Mills [1954] 3 W.L.R. 894; [1954] 3 All E.R. 563. *Affirmed*, [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998; [1955] 2 All E.R. 241, C.A. *Approved*, Reardon Smith Line *v.* Australian Wheat Board [1956] A.C. 266; [1956] 2 W.L.R. 404, P.C.

Compania Naviera Vascongado *v.* Cristina S.S. [1938] A.C. 485; [1938] 1 All E.R. 719, sub nom. The Cristina, 54 T.L.R. 512, H.L. *Considered*, Juan Ysmael & Co. Inc. *v.* Indonesian Government [1955] A.C. 72; [1954] 3 W.L.R. 531; Nizam of Hyderabad and State of Hyderabad *v.* Jung [1956] 3 W.L.R. 667

Comptoir Commercial Anversois and Power, Son & Co., In re [1920] 1 K.B. 868, C.A. sub nom. Comptoir Commercial Anversois *v.* Power, Son & Co., 36 T.L.R. 101, C.A. *Dictum of Scrutton L.J. referred to*, London Cemetery Co. *v.* Cundey [1953] 1 W.L.R. 786. *Applied*, Companie Algerienne de Meunerie *v.* Katana Societa di Navigatione Marittima, S.P.A. [1960] 2 Q.B. 115; [1960] 2 W.L.R. 719

Compton, In re [1945] Ch. 123; 61 T.L.R. 167; [1945] 1 All E.R. 198, C.A. *Approved*, Oppenheim *v.* Tobacco Securities Trust Co. Ltd. [1951] A.C. 297; [1951] 1 T.L.R. 118; [1951] 1 All E.R. 31, H.L. *Considered*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Condliff *v.* Condliff (1874) 29 L.T. 831. *Explained*, Jeffrey *v.* Kent County Council [1958] 1 W.L.R. 927

Congreve *v.* Inland Revenue Commissioners [1948] W.N. 197; [1948] 1 All E.R. 948, H.L. affirming [1947] 1 All E.R. 168, C.A.; reversing [1946] 2 All E.R. 170. *Applied*, Bambridge *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1265, 1460.

Connecticut Fire Insurance Co. *v.* Kavanagh [1892] A.C. 473; 8 T.L.R. 752, P.C. *Considered*, Perkowski *v.* Wellington Corporation [1959] A.C. 53; [1958] 3 W.L.R. 564, P.C.

Connelly Bros. (No. 2), In re, Wood *v.* The Company [1912] 2 Ch. 25, C.A. *Considered and distinguished*, Church of England Building Society *v.* Piskor [1954] Ch. 553; [1954] 2 W.L.R. 952, C.A.

Conquer *v.* Boot [1928] 2 K.B. 336; 44 T.L.R. 486, D.C. *Followed*, Daniels (H. E.) *v.* Carmel Exporters and Importers [1953] 2 Q.B. 242; [1953] 3 W.L.R. 216

Conqueror Property Trust *v.* Barnes Corporation [1944] K.B. 96; 60 T.L.R. 75; [1944] 1 All E.R. 34, D.C. *Referred to*, Anspach *v.* Charlton Steam Shipping Co. [1955] 2 Q.B. 21; [1955] 2 W.L.R. 601, C.A.

Constable *v.* Bull (1849) 3 De G. & S. 411. *Followed*, In the Estate of Last, decd. [1958] P. 137; [1958] 2 W.L.R. 186

Constantine (Joseph) Steamship Line Ltd. *v.* Imperial Smelting Corporation Ltd. [1942] A.C. 154, 184–187; [1941] 2 All E.R. 165, H.L. *Principles applied*, British Movietonews Ltd. *v.* London and District Cinemas Ltd. [1951] 1 K.B. 190; 66 T.L.R. (Pt. 2) 203; [1950] 2 All E.R. 390, C.A.

Constantinesco *v.* Rex (1927) 43 T.L.R. 727. *Considered*, Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch. 792; [1958] 2 W.L.R. 815, C.A.

Contract & Trading Co. (Southern) Ltd. *v.* Barbey [1959] 2 W.L.R. 568; [1959] 2 All E.R. 145. *Decision of the Court of Appeal affirmed* [1960] A.C. 244; [1960] 2 W.L.R. 15

Conway *v.* Wimpey (George) & Co. [1951] 1 T.L.R. 215; [1951] 1 All E.R. 56, C.A. *Distinguished*, Evans *v.* Evans [1953] 1 W.L.R. 127; [1951] W.N. 27; [1951] 1 T.L.R. 587; [1951] 1 All E.R. 363, C.A. *Distinguished*, Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435; [1951] 2 All E.R. 381, C.A.

Cooden Engineering Co. *v.* Stanford [1953] 1 Q.B. 86; [1952] 2 T.L.R. 822; [1952] 2 All E.R. 915, C.A. *Applied*, Lamdon Trust *v.* Nurrell [1955] 1 W.L.R. 391

Cook *v.* Hobbs [1911] 1 K.B. 14, D.C. *Followed*, Pearson *v.* Boyes [1953] 1 W.L.R. 384, D.C.

Cook *v.* Imperial Tobacco Co. [1922] 2 K.B. 158; 38 T.L.R. 700, C.A. *Considered*, Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435; [1951] 2 All E.R. 381, C.A.

Cook *v.* Shoesmith [1951] 1 K.B. 752; [1951] 1 T.L.R. 194, C.A. *Applied*, Esdaile *v.* Lewis [1956] 1 W.L.R. 709, C.A.

Cook *v.* Ward (1830) 4 M. & P. 99. *Applied*, Jozwiak *v.* Sadek [1954] 1 W.L.R. 275

Cooke, *In re* (1889) 5 T.L.R. 407, C.A. *Referred to*, Rajasooria *v.* Disciplinary Committee [1955] 1 W.L.R. 405, P.C.

Cooke *v.* Charles A. Vogeler Co. [1901] A.C. 102; 17 T.L.R. 153, H.L. *Considered*, In re Dulles Settlement [1951] Ch. 265; 66 T.L.R. (Pt. 2) 1028, C.A.

Cooke *v.* Cooper [1912] 2 K.B. 248. *Applied*, Regina *v.* Derby Borough Justices' Confirming Authority. Ex parte Blackshaw [1958] 1 Q.B. 36; [1957] 3 W.L.R. 591, D.C.

Cooke *v.* Midland Great Western Railway Co. of Ireland [1909] A.C. 229; 25 T.L.R. 375, H.L. *Applied*, Hawkins *v.* Coulsdon and Purley Urban District Council [1953] 1 W.L.R. 882. *Considered*, Hawkins *v.* Coulsdon and Purley U. D. C. [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

Cooke's Trust, In re (1887) 56 L.J.Ch. 637; 3 T.L.R. 558. *Applied*, In re Scullard, decd. South *v.* Brock [1957] Ch. 107; [1956] 3 W.L.R. 1061

Cooker *v.* Child (1673) 2 Lev. 74. *Applied*, Chelsea and Walham Green Building Society *v.* Armstrong [1951] Ch. 853; [1951] 2 T.L.R. 312; [1951] 2 All E.R. 250

Coomes & Son *v.* Hayward [1913] 1 K.B. 150, D.C. *Considered*, Penfold *v.* Pearlberg [1955] 1 W.L.R. 1068

Cooper *v.* Cooper (1874) L.R. 7 H.L. 53, H.L. *Considered and explained*, Cunliffe-Owen, In re, Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120, C.A. *Applied*, In re Dicey, decd., Julian *v.* Dicey [1956] Ch. 357; [1956] 3 W.L.R. 981, C.A.; In re Edwards, decd., Macadam *v.* Wright [1957] Ch. 21; [1956] 2 W.L.R. 771. *Distinguished*, [1958] Ch. 168; [1957] 3 W.L.R. 131; [1957] 2 All E.R. 495, C.A.

Cooper *v.* Cooper [1955] P. 99; [1954] 3 W.L.R. 867; [1954] 3 All E.R. 415, D.C. *Applied*, Ivens *v.* Ivens [1955] P. 129; [1954] 3 W.L.R. 887, C.A.; Crawford *v.* Crawford [1956] P. 195; [1955] 3 W.L.R. 856, D.C.; Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782. *Considered*, Wright *v.* Wright [1960] P. 85; [1960] 2 W.L.R. 499

Cooper *v.* Hubbuck (1862) 12 C.B.(N.S.) 456. *Considered*, Fairey *v.* Southampton County Council [1956] 2 Q.B. 439; [1956] 3 W.L.R. 355, C.A.

Cooper *v.* Slade (1857) 6 H.L.C. 746, 773. *Applied*, Reg. *v.* Smith [1960] 2 Q.B. 423; [1960] 2 W.L.R. 164

Cooper *v.* Stubbs [1925] 2 K.B. 753; 41 T.L.R. 614, C.A. *Considered*, Edwards (Inspector of Taxes) *v.* Bairstow [1956] A.C. 14; [1955] 3 W.L.R. 411

Cooper *v.* Wilson [1937] 2 K.B. 309; 53 T.L.R. 623; [1937] 2 All E.R. 728. *Followed*, Barnard *v.* National Dock Labour Board [1953] 2 Q.B. 18; [1953] 2 W.L.R. 995, C.A.

Coote *v.* Ford [1899] 2 Ch. 93; 15 T.L.R. 378, C.A. *Applied*, A. Martin French *v.* Kingswood Hill Ltd. [1961] 1 Q.B. 96; [1960] 2 W.L.R. 947

Copartnership Farms *v.* Harvey-Smith [1918] 2 K.B. 405; 34 T.L.R. 414. *Considered*, Addis *v.* Crocker [1960] 1 Q.B. 87; [1960] 3 W.L.R. 339

Cope *v.* Rowlands (1836) 2 M. & W. 149. *Dicta of Parke B. applied*, St. John Shipping Corporation *v.* Joseph Rank [1957] 1 Q.B. 267; [1956] 3 W.L.R. 871

Copeland *v.* Greenhalf [1952] Ch. 488; [1952] 1 T.L.R. 786; [1952] 1 All E.R. 809. *Considered*, In re Ellenborough Park [1956] Ch. 131; [1955] 3 W.L.R. 893, C.A.

Coplans *v.* King [1947] 2 All E.R. 393, C.A. *Applied*, King *v.* Taylor [1955] 1 Q.B. 150; [1954] 3 W.L.R. 669, C.A.

Coppard's Estate, In re (1887) 35 Ch.D. 350. *Not followed*, In re Ransome, decd. [1957] Ch. 348; [1957] 2 W.L.R. 557

Coppen *v.* Moore (No. 2) [1898] 2 Q.B. 306; 14 T.L.R. 414, D.C. *Dictum of Lord Russell of Killowen L.C. disapproved*, Slatcher *v.* George Mence Smith Ltd. [1951] 2 K.B. 631; [1951] 2 T.L.R. 272; [1951] 2 All E.R. 388, D.C.

Coppin, In re (1866) 2 Ch.App.Cas. 47. *Considered*, Reg. *v.* Governor of Brixton Prison. Ex parte Caborn-Waterfield [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792

Corbett *v.* Corbett [1953] P. 205; [1953] 2 W.L.R. 1124; [1953] 2 All E.R. 69, C.A. *Followed*, Andrew *v.* Andrew [1953] 1 W.L.R. 1453, P.C. *Distinguished*, Hull *v.* Hull [1960] P. 118; [1960] 2 W.L.R. 267

Corbett *v.* Inland Revenue Commissioners [1938] 1 K.B. 567; 54 T.L.R. 279; [1937] 4 All E.R. 700, C.A. *Considered and explained*, Cunliffe-Owen, In re, Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120, C.A.

Corby *v.* Hill (1858) 4 C.B.(N.S.) 556. *Considered*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122

Cory *v.* Burr (1883) 8 App.Cas. 393, H.L. *Considered*, Atlantic Maritime Co. Inc. *v.* Gibbon [1954] 1 Q.B. 105; [1953] 3 W.L.R. 714

Cory (William) & Sons Ltd. *v.* City of London Corporation [1951] 2 K.B. 476; [1951] 2 T.L.R. 174; [1951] 2 All E.R. 85, C.A. *Applied*, Commissioners of Crown Lands *v.* Page [1960] 2 Q.B. 299; [1960] 3 W.L.R. 446

Cosgrove *v.* Horsfall (1945) 62 T.L.R. 140. *Applied*, Adler *v.* Dickson [1955] 1 Q.B. 158; [1954] 3 W.L.R. 696, C.A. *Considered*, Midland Silicones Ltd. *v.* Scruttons Ltd. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372

Cotman *v.* Brougham [1918] A.C. 514; 34 T.L.R. 410, H.L. *Applied*, In re North of England Zoological Society, North of England Zoological Society *v.* Chester Rural District Council [1958] 1 W.L.R. 1258. *Considered*, Anglo-Overseas Agencies Ltd. *v.* Green [1961] 1 Q.B. 1; [1960] 3 W.L.R. 561

Cottam *v.* Eastern Counties Railway Co. (1860) 1 John. & H. 243. *Applied*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Cotterell *v.* Jones and Ablett (1851) 11 C.B. 713. *Considered*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Cottle *v.* Cottle [1939] 2 All E.R. 535, D.C. *Distinguished*, Auten *v.* Baker, Todman & Co. [1958] 1 W.L.R. 1300, C.A.

Cotton *v.* Cotton [1954] P. 305; [1954] 2 W.L.R. 947; [1954] 2 All E.R. 105. *Applied*, Francis *v.* Francis [1960] P. 17; [1959] 3 W.L.R. 447, D.C.

Couchman *v.* Hill [1947] K.B. 554; 63 T.L.R. 81; [1947] 1 All E.R. 103, C.A. *Followed*, Harling *v.* Eddy [1951] 2 K.B. 631; [1951] 2 T.L.R. 245; [1951] 2 All E.R. 212, C.A.

Coulthurst, decd., In re. Coutts & Co. *v.* Coulthurst [1951] Ch. 193; [1951] 1 T.L.R. 62. *Affirmed* [1951] Ch. 661; [1951] 1 T.L.R. 651; [1951] 1 All E.R. 774, C.A.

Councell (Mary), In the Goods of (1871) L.R. 2 P. & D. 314. *Not followed*, Basioli, decd., In re. McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

Countess (The) [1923] A.C. 345; 39 T.L.R. 302, H.L. *Considered*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

County Laboratories *v.* Mindel (J.) [1957] Ch. 295; [1957] 2 W.L.R. 541, 746; [1957] 1 All E.R. 806, 861. *Distinguished*, Goodyear Tyre and Rubber Co. (Great Britain) *v.* Lancashire Batteries [1958] 1 W.L.R. 653, 857

County of Durham Electrical Power Distribution Co. *v.* Inland Revenue Comrs. [1909] 2 K.B. 604; 25 T.L.R. 672. *Applied*, Independent Television Authority & Associated-Rediffusion Ltd. *v.* Inland Revenue Comrs. [1961] A.C. 427; [1960] 3 W.L.R. 48

Court *v.* Robinson [1951] 2 K.B. 60; [1951] 1 All E.R. 209, C.A. *Considered* Levermore *v.* Jobey [1956] 1 W.L.R. 698, C.A.

Cousen's Will Trusts, In re [1937] Ch. 381; 53 T.L.R. 490; [1937] 2 All E.R. 276. *Considered*, In re Wray, decd. [1951] Ch. 425; [1951] 1 All E.R. 375, C.A.

Coutts & Co. *v.* I. R. C. [1953] A.C. 267; [1953] 2 W.L.R. 364; [1953] 1 All E.R. 418, H.L. *Dictum of Lord Reid applied*, Fry *v.* I. R. C. [1959] Ch. 86; [1958] 3 W.L.R. 381, C.A.

Cove *v.* Flick [1954] 3 W.L.R. 82n; [1954] 2 All E.R. 441, C.A. *Considered*, S. L. Dando *v.* Hitchcock [1954] 2 Q.B. 317; [1954] 3 W.L.R. 76, C.A.

Coventry Permanent Economic Building Society *v.* Jones [1951] W.N. 218; [1951] 1 T.L.R. 739; [1951] 1 All E.R. 901. *Observations of Harman J. on the effect of a contemporaneous conveyance and mortgage disapproved*, Church of England Building Society *v.* Piskor [1954] Ch. 553; [1954] 2 W.L.R. 952, C.A.

Cow *v.* Casey [1949] 1 K.B. 474; 65 T.L.R. 84; [1949] 1 All E.R. 197, C.A. *Applied*, Knight *v.* Olive [1954] 1 Q.B. 514; [1954] 2 W.L.R. 646. *Considered*, Cadogan *v.* Henthorne [1957] 1 W.L.R. 2

Cowan *v.* Wrayford [1953] 1 W.L.R. 1340; [1953] 2 All E.R. 1138, C.A. *Considered*, Hammon *v.* Fairbrother [1956] 1 W.L.R. 491

Cowlairs Co-operative Society *v.* Glasgow Corporation, 1957 S.C.(J.) 51. *Not followed*, Kahn *v.* Newberry [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650, D.C.

Cowley *v.* Newmarket Local Board [1892] A.C. 345; 8 T.L.R. 788, H.L. *Applied*. Baxter *v.* Stockton-on-Tees Corporation [1959] 1 Q.B. 441; [1958] 3 W.L.R. 275, C.A.

Cowley (Earl) *v.* Inland Revenue Commissioners [1899] A.C. 198; 15 T.L.R. 270, H.L. *Considered*, In re Hall's Settlement, Sanderson *v.* Inland Revenue Commissioners [1955] Ch. 128; [1954] 3 W.L.R. 675, C.A.; Sanderson *v.* Inland Revenue Commissioners [1956] A.C. 491; [1956] 2 W.L.R. 98, H.L. *Referred to*, Public Trustee *v.* Inland Revenue Commissioners [1958] Ch. 513; [1958] 2 W.L.R. 429; [1958] Ch. 865; [1958] 3 W.L.R. 163, C.A;. In re Tapp, Gonville & Caius College, Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 1 W.L.R. 541, C.A. *Dictum of Lord Macnaghten disapproved*, Public Trustee *v.* Inland Revenue Commissioners [1960] A.C. 398; [1960] 2 W.L.R. 1059

Cowper *v.* Cowper (Earl) (1734) 2 P.Wms. 720. *Dicta of Sir Joseph Jekyll M.R. applied*, Bull *v.* Bull [1955] 1 Q.B. 234; [1955] 2 W.L.R. 78, C.A.

Cox *v.* Cox (1893) 70 L.T. 200, C.A. *Distinguished*, Brown *v.* Brown [1956] P. 438; [1956] 2 W.L.R. 1000, D.C.

Cox *v.* Cutler (S.) & Sons and Hampton Court Gas Co. [1948] W.N. 345; [1948] 2 All E.R. 665, C.A. *Approved in* Street *v.* British Electricity Authority [1952] 2 Q.B. 399; [1952] 1 T.L.R. 799, C.A. *Applied*, Walsh *v.* Allweather Mechanical Grouting Co. [1959] 2 Q.B. 300; [1959] 3 W.L.R. 1, C.A. *Considered*, Longhurst *v.* Guildford, Godalming and District Water Board [1960] 2 Q.B. 265; [1960] 3 W.L.R. 1059

Cox *v.* Feeney (1863) 4 F. & F. 13, N.P. *Considered*, Webb *v.* Times Publishing Co. Ltd. [1960] 2 Q.B. 535; [1960] 3 W.L.R. 352

Cox *v.* Hakes (1890) 15 App.Cas. 506; 6 T.L.R. 465, H.L. *Questioned*, In re Hastings (No. 3) [1959] 1 Q.B. 358; [1958] 3 W.L.R. 768, D.C.

Cox *v.* Stinton [1951] 2 K.B. 1021; [1951] 2 T.L.R. 728; [1951] 2 All E.R. 637, D.C. *Referred to*, Thomson *v.* Chain Libraries [1954] 1 W.L.R. 999, D.C.

Coxen, In re, MacCallum *v.* Coxen [1948] Ch. 747; [1948] 2 All E.R. 492. *Applied*, Jones, decd., In re, Midland Bank Executor and Trustee Co. *v.* Jones [1953] Ch. 125; [1953] 2 W.L.R. 283; In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

Crabb *v.* Crabb (1834) 1 My. & K. 511. *Considered*, Shephard *v.* Cartwright [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

Craig *v.* Kanssen [1943] K.B. 256; [1943] 1 All E.R. 108, C.A. *Applied*, Wiseman *v.* Wiseman [1953] P. 79; [1953] 2 W.L.R. 499, C.A. *Dictum of Lord Greene M.R. applied*, Kofi Forfie *v.* Seifah [1958] A.C. 59; [1958] 2 W.L.R. 53, P.C.

Crane *v.* Director of Public Prosecutions [1921] 2 A.C. 299; 37 T.L.R. 788. *Applied*, Regina *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

Crane *v.* Hegeman-Harris Co. Inc. [1939] 1 All E.R. 662. *Dictum of Simonds J. doubted*, Rose (F. E.) (London) *v.* William H. Pim, Jnr. & Co. [1953] 2 Q.B. 450; [1953] 3 W.L.R. 497, C.A.

Craven Ellis *v.* Canons Ltd. [1936] 2 K.B. 403; 52 T.L.R. 657; [1936] 2 All E.R. 1066. *Applied*, William Lacey (Hounslow) *v.* Davis [1957] 1 W.L.R. 932; Société Franco Tunisienne d'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Crawford *v.* Crawford [1955] 3 W.L.R. 855; [1955] 3 All E.R. 592, D.C. *Applied*, Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782

Crawshay, In re, Hore-Ruthven *v.* Public Trustee [1948] Ch. 123; 64 T.L.R. 67; [1948] 1 All E.R. 107, C.A. *Explained*, Dick, In re, Knight *v.* Dick [1953] Ch. 343; [1953] 2 W.L.R. 477, C.A.

Crawter *v.* Marvin. *See* In re Marvin.

Credit Foncier of Mauritius *v.* Paturau (1876) 35 L.T. 869, P.C. *Considered*, Karikari *v.* Agyekum II [1955] A.C. 640; [1955] 3 W.L.R. 126, P.C.

Crediton Gas Co. *v.* Crediton Urban District Council [1928] Ch. 447; 44 T.L.R. 369, C.A. *Applied*, Martin-Baker Aircraft Co. *v.* Canadian Flight Equipment, Same *v.* Murison [1955] 2 Q.B. 556; [1955] 3 W.L.R. 213

Cree *v.* Somervail (1879) 4 App.Cas. 648, H.L. *Applied*, In re Castiglione's Will Trusts, Hunter *v.* Mackenzie [1958] Ch. 549; [1958] 2 W.L.R. 400

Cresswell *v.* Sirl [1948] 1 K.B. 241; 63 T.L.R. 620; [1947] 2 All E.R. 733. *Dictum of Scott L.J. applied*, Goodway *v.* Becker [1951] 2 All E.R. 349, D.C.

Crew *v.* Vernon (1611) Moo.K.B. 818. *Considered*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Crewkerne United Breweries *v.* Slade. *See* In re Slade.

Cricklewood Property and Investment Trust Ltd. *v.* Leighton's Investment Trust Ltd. [1945] A.C. 221; 61 T.L.R. 202; [1945] 1 All E.R. 252, H.L. *Applied*, Hangkam Kwingtong Woo *v.* Liu Lan Fong [1951] A.C. 707; [1951] 2 T.L.R. 442; [1951] 2 All E.R. 567, P.C.

Cripps *v.* Wolcott (1819) 4 Madd. 11. *Applied*, In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 744

Crisp from the Fens Ltd. *v.* Rutland County Council (1950) 1 P. & C.R. 48. *Considered*, Fawcett Properties Ltd. *v.* Buckingham County Council [1960] 3 W.L.R. 831

Crocker Horlock Ltd. *v.* B. Lang & Co. Ltd. [1949] 1 All E.R. 526. *Distinguished*, Sellers *v.* London Counties Newspapers [1951] 1 K.B. 784; [1951] 1 All E.R. 544, C.A.

Croft *v.* Sywell Aerodrome, Sywell Aerodrome *v.* Croft [1942] 1 K.B. 317; [1942] 1 All E.R. 110, C.A. *Explained*, Jennings (Inspector of Taxes) *v.* Middlesbrough Corporation [1953] 1 W.L.R. 833

Crofter Hand Woven Harris Tweed Co. *v.* Veitch [1942] A.C. 435; 58 T.L.R. 125; [1942] 1 All E.R. 142, H.L. *Applied*, Huntley *v.* Thornton [1957] 1 W.L.R. 323; Scala Ballroom (Wolverhampton) Ltd. *v.* Ratcliffe [1958] 1 W.L.R. 1057, C.A.

Crofton *v.* Ormsby (1806) 2 Sch. & Lef. 583. *Applied*, Williams *v.* Greatrex [1957] 1 W.L.R. 32, C.A.

Crofts *v.* Waterhouse (1825) 3 Bing. 319. *Considered*, Parish *v.* Judd [1960] 1 W.L.R. 867

Crook *v.* Derbyshire Stone [1956] 1 W.L.R. 432; [1956] 2 All E.R. 447. *Distinguished*, Staton *v.* National Coal Board [1957] 1 W.L.R. 893

Crook *v.* Seaham Harbour Dock Co. (1931) 48 T.L.R. 91. *Considered*, London Investment and Mortgage Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 858; [1957] 1 W.L.R. 116, C.A.

Crook's Settlement, In re [1923] 2 Ch. 339. *Considered*, Maltby Marriage Settlement, In re, Aylen v. Gaud [1953] 1 W.L.R. 765

Crookall v. Vickers-Armstrong [1955] 1 W.L.R. 659; [1955] 2 All E.R. 12. *Distinguished*, Clarkson v. Modern Foundries [1957] 1 W.L.R. 1210

Crookes, W. O. v. Watson, 1956 (1) S.A.L.R. 277. *Considered*, Abeyawardene v. West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C.

Crooks v. Allan (1879) 5 Q.B.D. 38. *Considered*, S.S. Ardennes (Cargo Owners) v. S.S. Ardennes (Owners) [1951] 1 K.B. 55; 66 T.L.R. (Pt. 2) 312; [1950] 2 All E.R. 517

Cropper v. Smith (No. 2) (1884) 28 Ch.D. 148. *Considered*, Etam Ltd. v. Forte [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719, C.A.

Crosfield (Joseph) & Sons, In re [1910] 1 Ch. 130; 26 T.L.R. 100. *Applied*, Electrix v. Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503, H.L.

Cross v. Maltby (1875) L.R. 20 Eq. 378. *Doubted*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Crosse v. Gardner (1688) Carth. 90. *Applied*, Andrews v. Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 733

Crossley v. Crowther (1851) 9 Hare 384. *Referred to*, Griffiths v. Evans [1953] 1 W.L.R. 1424, C.A.

Crossley & Sons Ltd. v. Lightowler (1867) L.R. 2 Ch. 478. *Followed*, In re Webb's Lease. Sandon v. Webb [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131, C.A.

Croston v. Vaughan [1938] 1 K.B. 540; 54 T.L.R. 54; [1937] 4 All E.R. 249, C.A. *Not applicable*, Clayson v. Rolls Royce Ltd. and Evans Lifts Ltd. [1951] 1 K.B. 746, C.A. *Distinguished*, Calvert v. Pick [1954] 1 W.L.R. 456. *Followed*, Bell v. Holmes [1956] 1 W.L.R. 1360

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Dale *v.* Inland Revenue Commissioners [1952] Ch. 704; [1952] 1 T.L.R. 1566; [1952] 2 All E.R 89. *Reversed* [1954] A.C. 11; [1953] 3 W.L.R. 448, H.L. *Applied*, In re Worthington, decd. [1954] 1 W.L.R. 526; Public Trustee *v.* I. R. C. [1958] Ch. 513; [1958] 2 W.L.R. 429

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David *v.* Sabin [1893] 1 Ch. 523; 9 T.L.R. 240, C.A. *Applied*, Chivers & Sons *v.* Air Ministry [1955] Ch. 585; [1955] 3 W.L.R. 154

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Davies, In re, Davies *v.* Mackintosh [1957] 1 W.L.R. 922. *Considered*, In re Taylor, decd. [1957] 1 W.L.R. 1043

Davies *v.* Braithwaite [1931] 2 K.B. 628; 47 T.L.R. 479. *Distinguished*, Mitchell and Edon (Inspectors of Taxes) *v.* Ross [1960] Ch. 145; [1960] 2 W.L.R. 766

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Davies *v.* Owen (Thomas) & Co. [1919] 2 K.B. 39. *Applied*, Pugh *v.* Manchester Dry Docks Co. [1954] 1 W.L.R. 389; Frost *v.* Summers (John) & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794, C.A. *Approved*, Summers (John) & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L.

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Davies *v.* Swan Motor Co. (Swansea) Ltd. [1949] 2 K.B. 291, 324; 65 T.L.R. 278; [1949] 1 All E.R. 620, C.A. *Referred to*, Nance *v.* British Columbia Electric Railway Co. Ltd. [1951] A.C. 601; [1951] 2 T.L.R. 137, P.C.

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Davis, In re [1902] 1 Ch. 876. *Distinguished*, In re Goldschmidt, decd. [1957] 1 W.L.R. 524

Davis, In re, Davis *v.* Davis [1902] 2 Ch. 314. *Applied*, Gordon *v.* Gonda [1955] 1 W.L.R. 886, C.A.

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Davis *v.* Board of Management for Glasgow Victoria Hospital, 1950 S.C. 382. *Not followed*, Bullard *v.* Croydon Hospital Group Management Committee [1953] 1 Q.B. 511; [1953] 2 W.L.R. 470

Davis *v.* Carew-Pole [1956] 1 W.L.R. 833; [1956] 2 All E.R. 524. *Not applied*, Byrne *v.* Kinematograph Renters Society [1958] 1 W.L.R. 762

Davis *v.* Davis [1950] P. 125, C.A. *Considered*, Bater *v.* Bater [1951] P. 35; 66 T.L.R. (Pt. 2) 589, C.A.

Davis *v.* Mayhew [1927] P. 264; 43 T.L.R. 648, C.A. *Applied* In re R., decd. [1951] P. 10; 66 T.L.R. (Pt. 2) 26

Davis *v.* St. Mary's Demolition and Excavation Co. [1954] 1 W.L.R. 592; [1954] 1 All E.R. 578. *Followed and applied*, Creed *v.* McGeoch & Sons [1955] 1 W.L.R. 1005. *Considered*, Perry *v.* Wrigley (Thomas) [1955] 1 W.L.R. 1165

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Davy, In re [1935] P. 1; sub nom. Davy *v.* Attorney-General, 50 T.L.R. 588. *Applied*, Scappaticci *v.* Attorney-General [1955] P. 47; [1955] 2 W.L.R. 409

Daw *v.* Eley (1868) 7 Eq.Cas. 49. *Distinguished*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

Dawkins *v.* Lord Rokeby (1873) L.R. 8 Q.B. 255, Exch.; (1875) L.R. 7 H.L. 744. *Applied*, Addis *v.* Crocker [1960] 1 Q.B. 87; [1960] 3 W.L.R. 339

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Dayal Singh *v.* Indar Singh (1926) L.R. 53 I.A. 214. *Distinguished*, Denning *v.* Edwardes [1961] A.C. 245; [1960] 3 W.L.R. 801

Deakin *v.* Deakin (1869) 33 J.P. 805. *Applied*, Bradshaw *v.* Bradshaw [1956] P. 274n.; [1955] 3 W.L.R. 966, D.C.

Dean *v.* Prince [1953] Ch. 590; [1953] 3 W.L.R. 271; [1953] 2 All E.R. 636. *Reversed on the question of valuation* [1954] Ch. 409; [1954] 2 W.L.R. 538, C.A. *Considered*, Rayfield *v.* Hands [1960] Ch. 1; [1958] 2 W.L.R. 851

Dean's Will Trusts, In re, 66 T.L.R. (Pt. 1) 728; [1950] 1 All E.R. 882. *Applied*, In re Frere, decd. Kidd *v.* Farnham Group Hospital Management Committee [1951] Ch. 27; 66 T.L.R. 354

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Dearman *v.* Dearman (1916) 21 C.L.R. 264. *Considered*, Lang *v.* Lang [1955] A.C. 402; [1954] 3 W.L.R. 762, P.C.

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Debtor, In re A [1907] 2 K.B. 896; 23 T.L.R. 167. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612, D.C.

Debtor, No. 478 of 1908, In re [1908] 2 K.B. 684; 24 T.L.R. 778, C.A. *Considered*, In re A Debtor, No. 21 of 1950 [1951] Ch. 313; [1951] 1 T.L.R. 174, D.C.

Debtor, In re (No. 627 of 1936) [1937] Ch. 156; 53 T.L.R. 191; [1937] 1 All E.R. 1, C.A. *Considered*, Anson *v.* Anson [1953] 1 Q.B. 636; [1953] 1 W.L.R. 573.

Debtor (No. 883 of 1927), In re [1928] Ch. 199, C.A. *Considered*, Judgment Summons (No. 25 of 1952), In re, Ex parte Henleys [1953] Ch. 195; [1953] 2 W.L.R. 315, C.A. *Distinguished*, In re Majory, A Debtor, Ex parte The Debtor *v.* F. A. Dumont [1955] Ch. 600; [1955] 2 W.L.R. 1035

Debtor (No. 20 of 1953), In re A, Ex parte The Debtor *v.* Scott and The Official Receiver [1954] 1 W.L.R. 393; [1954] 1 All E.R. 454, D.C. *Reversed* [1954] 1 W.L.R. 1190, C.A.

Debtor, In re a (No. 66 of 1955), Ex parte The Debtor *v.* The Trustee of the Property of Waite (A Bankrupt) [1956] 1 W.L.R. 480; [1956] 2 All E.R. 94, D.C. *Affirmed* [1956] 1 W.L.R. 1227, C.A.

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Debtor, In re a (No. 490 of 1935) [1936] Ch. 237; 52 T.L.R. 70, C.A. *Distinguished*, Attorney-General *v.* Vernazza [1960] A.C. 965; [1960] 3 W.L.R. 466

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De Carteret, In re, Forster *v.* De Carteret [1933] Ch. 103; 48 T.L.R. 555. *Distinguished*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84

Dedhar *v.* Commissioner of Lands [1957] E.A.C.A. 104. *Approved*, Sheik Mohamed Bashir *v.* Commissioner of Lands [1960] A.C. 44; [1959] 3 W.L.R. 966, P.C.

De Dohsé *v.* The Queen (1886) 3 T.L.R. 114, H.L. *Dicta of Lord Halsbury L.C. applied*, Riordan *v.* War Office [1959] 1 W.L.R. 1046

Dee Conservancy Board *v.* McConnell [1928] 2 K.B. 159, C.A. *Distinguished*, Stonedale No. 1 (Owners of the Dumb Barge) *v.* Manchester Ship Canal Co., The Stonedale No. 1 [1954] P. 338; [1954] 2 W.L.R. 1075; [1955] 3 W.L.R. 204, H.L.

Deery *v.* Deery (1954) Argus L.R. 262. *Considered*, Lang *v.* Lang [1955] A.C. 402; [1954] 3 W.L.R. 762, P.C.

Defiant Cycle Co., In re [1955] Ch. 490; [1955] 2 W.L.R. 932; [1955] 2 All E.R. 58. *Applied*, In re Mercury Model Aircraft Supplies [1956] 1 W.L.R. 1154

Delgoffe *v.* Fader [1939] Ch. 922; 55 T.L.R. 989; [1939] 3 All E.R. 682. *Distinguished and in part disapproved*, Birch *v.* Treasury Solicitor [1951] Ch. 298; [1951] 1 T.L.R. 225, C.A.

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Dellenty *v.* Pellow [1951] 2 K.B. 858; [1951] 2 T.L.R. 733; [1951] 2 All E.R. 716, C.A. *Considered*, Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332, C.A.

Deloitte, In re [1926] Ch. 56. *Considered*, Fry *v.* Inland Revenue Commissioners [1958] 2 W.L.R. 673

Delta, The, The Erminia Foscolo (1876) 1 P.D. 393. *Considered*, Bell *v.* Holmes [1956] 1 W.L.R. 1360

De Mattos *v.* Gibson (1859) 4 De G. & J. 276. *Explained*, Port Line Steamers *v.* Ben Line Steamers [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551

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Dendy *v.* Evans [1910] 1 K.B. 263, C.A. *Applied*, Driscoll *v.* Church Commissioners for England [1957] 1 Q.B. 330; [1956] 3 W.L.R. 997, C.A.

Denham *v.* Midland Employers' Mutual Assurance [1955] 2 Q.B. 437; [1955] 3 W.L.R. 84; [1955] 2 All E.R. 561, C.A. *Referred to*, Gibb *v.* United Steel Companies [1957] 1 W.L.R. 669

De Nicols, In re. De Nicols *v.* Curlier (No. 2) [1900] 2 Ch. 410; 16 T.L.R. 461, H.L. *Considered*, Callwood *v.* Callwood [1960] A.C. 659; [1960] 2 W.L.R. 705

Denman *v.* Brise [1949] 1 K.B. 22; 64 T.L.R. 335; [1948] 2 All E.R. 141, C.A. *Considered*, Cusack-Smith *v.* London Corporation [1956] 1 W.L.R. 1369

Dennis *v.* London Passenger Transport Board, 64 T.L.R. 269; [1948] 1 All E.R. 779. *Considered*, Schneider *v.* Eisovitch [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169

Dennis *v.* Tame (1954) 52 L.G.R. 329. *Applied*, Surtees *v.* Benewith [1954] 1 W.L.R. 1335, D.C.

Dennis & Co. *v.* Munn [1949] 2 K.B. 327; 65 T.L.R. 251; [1949] 1 All E.R. 616, C.A. *Applied*, Muir *v.* James [1953] 1 Q.B. 454; [1953] 2 W.L.R. 423, C.A. *Considered*, Brewer Street Investments *v.* Barclays Woollen Co. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869, C.A. *Distinguished*, Strongman (1945) *v.* Sincock [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360, C.A.

Denny Mott and Dickson Ltd. *v.* James B. Fraser & Co. Ltd. [1944] A.C. 265; 50 T.L.R. 419; [1944] 1 All E.R. 678, H.L. *Applied*, British Movietonews Ltd. *v.* London and District Cinemas Ltd. [1951] 1 K.B. 190, C.A.

Dent *v.* Turpin (1861) 2 John. & H. 139. *Considered*, Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Deputy Federal Commissioner of Taxation *v.* Purcell (1921) 29 C.L.R. 464. *Considered*, Newton *v.* Commissioner of Taxation of the Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195, P.C.

Derbyshire Miners' Welfare Committee *v.* Skegness Urban District Council [1957] 1 W.L.R. 764; [1957] 2 All E.R. 405. *Affirmed* [1958] 1 Q.B. 298; [1957] 3 W.L.R. 1049, C.A.

Derbyshire Miners' Welfare Committee *v.* Skegness Urban District Council (No. 2) [1958] 1 Q.B. 298; [1957] 3 W.L.R. 1048; [1957] 3 All E.R. 692, C.A.; affirming [1957] 1 W.L.R. 764; [1957] 2 All E.R. 405, D.C.; reversing (1956) 49 R. & I.T. 778. *Decision of Court of Appeal affirmed*, Skegness Urban District Council *v.* Derbyshire Miners' Welfare Committee [1959] A.C. 807; [1959] 2 W.L.R. 711, H.L.

De Reneville *v.* De Reneville [1948] P. 100; 64 T.L.R. 100; [1948] 1 All E.R. 56, C.A. *Considered*, Har-Shefi *v.* Har-Shefi [1953] P. 161; [1953] 2 W.L.R. 690, C.A.; Ponticelli *v.* Ponticelli [1958] P. 204; [1958] 2 W.L.R. 439. *Distinguished*, Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1955] 3 W.L.R. 188. *Applied*, Wiggins *v.* Wiggins (orse. Brooks) & Ingram [1958] 1 W.L.R. 1013

Derry *v.* Peek (1889) 14 App.Cas. 337; 5 T.L.R. 625, H.L. *Applied*, R. *v.* Mackinnon [1958] 3 W.L.R. 688; Akerhielm *v.* De Mare [1959] A.C. 789; [1959] 3 W.L.R. 108, P.C. *Followed*, Candler *v.* Crane, Christmas & Co. Ltd. [1951] 2 K.B. 164; [1951] 1 T.L.R. 371; [1951] 1 All E.R. 426, C.A.

De Silva *v.* Attorney-General (1949) 50 Ceylon N.L.R. 481. *Applied*, Senanayake *v.* Navaratne [1954] A.C. 640; [1954] 3 W.L.R. 336, P.C.; Patterson *v.* Solomon [1960] A.C. 579; [1960] 2 W.L.R. 685

De Silva (Carolis) *v.* Tim Kim (1902) IX S.S.L.R.App. 8. *Applied*, Penhas *v.* Tan Soo Eng [1953] A.C. 304; [1953] 2 W.L.R. 459, P.C.

De Sommery, In re [1912] 2 Ch. 622. *Applied*, In re Watson's Settlement Trusts. Dawson *v.* Reid [1959] 1 W.L.R. 732

Dessau *v.* Peters, Rushton & Co. [1922] 1 Ch. 1. *Applied*, Hughes *v.* Hughes [1958] P. 221; [1958] 2 W.L.R. 934

Deutsche Bank und Disconto Gesellschaft *v.* Banque des Marchands de Moscou (Koupetschesky), (unreported, 1930 and December 14, 1931). *Applied*, In re Banque des Marchands de Moscou (Koupetschesky) (No. 2) [1954] 1 W.L.R. 1108. *Followed*, In re claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 185

Deutsche Bank *v.* Humphreys (1926) 272 U.S. Rep. 517. *Not applied*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

De Verteuil *v.* Knaggs [1918] A.C. 557, 560; 34 T.L.R. 325, J.C. *Dicta applied*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223

Devoy *v.* Devoy (1857) 3 Sm. & G. 403. *Applied*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460. *Referred to*, Shephard *v.* Cartwright [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

Dewar *v.* Inland Revenue Commissioners [1935] 2 K.B. 351; 51 T.L.R. 536. *Observations of Lord Hanworth M.R. approved*, Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch. 792; [1958] 2 W.L.R. 815, C.A. *Considered*, Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842, H.L.

Deyong *v.* Shenburn [1946] K.B. 227; 62 T.L.R. 193; [1946] 1 All E.R. 226. *Applied*, Edwards *v.* West Herts Group Hospital Management Committee [1957] 1 W.L.R. 415, C.A.

Dicey, In re, Julian *v.* Dicey [1956] Ch. 357; [1956] 2 W.L.R. 996; [1956] 2 All E.R. 74. *Decision of Danckwerts J. affirmed* [1956] Ch. 357; [1956] 3 W.L.R. 982, C.A.

Dick *v.* Piller [1943] 1 K.B. 497; 59 T.L.R. 276; [1943] 1 All E.R. 627, C.A. *Followed*, Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332, C.A.

Dickins *v.* Gill [1896] 2 Q.B. 310; 12 T.L.R. 427. *Distinguished* Wong Pooh Yin *v.* Public Prosecutor [1955] A.C. 93; [1954] 3 W.L.R. 471, P.C.

Dickinson *v.* Dickinson [1913] P. 198; sub nom. D. *v.* D. (orse. P.), 29 T.L.R. 765. *Applied*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

Dickson *v.* Flack [1953] 1 W.L.R. 196; [1953] 1 All E.R. 236. *Reversed* [1953] 2 Q.B. 464; [1953] 3 W.L.R. 571; [1953] 2 All E.R. 840, C.A. *Applied*, Stringer *v.* Automatic Woodturning Co. [1955] 1 W.L.R. 972; Close *v.* Steel Co. of Wales Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401

Diggins *v.* Diggins [1927] P. 88. *Dicta of Lord Merriman P. applied*, Tulip *v.* Tulip [1951] P. 223; [1951] 1 T.L.R. 567; [1951] 1 All E.R. 563

Dilke, In re, In re Dilke's Settlement Trusts, Verey *v.* Dilke [1921] 1 Ch. 34; 37 T.L.R. 13, C.A. *Applied*, In re Triffitt's Settlement [1958] Ch. 852; [1958] 2 W.L.R. 927. *Considered*, Commissioners of Estate and Succession Duties (Barbados) *v.* Bowring [1960] 3 W.L.R. 741

Diplock, In re [1941] Ch. 253; 57 T.L.R. 263. *Applied*, In re Shaw, decd. [1957] 1 W.L.R. 730

Diplock, In re. Diplock *v.* Wintle [1948] Ch. 465; [1948] 2 All E.R. 318, C.A. *Affirmed*, sub nom. Ministry of Health *v.* Simpson [1951] A.C. 251; 66 T.L.R. (Pt. 2) 1015; [1950] 2 All E.R. 1137, H.L.

Dipple *v.* Dipple [1942] P. 65; 58 T.L.R. 141; [1942] 1 All E.R. 234. *Applied*, Mosey *v.* Mosey and Barker [1955] 2 W.L.R. 148. *Distinguished*, Sugden *v.* Sugden [1956] 3 W.L.R. 1011. *Explained and applied* [1957] P. 120; [1957] 2 W.L.R. 211, C.A.

Director of Public Prosecutions *v.* Beard [1920] A.C. 479; sub nom. R. *v.* Beard, 36 T.L.R. 379, H.L. *Applied*, Regina *v.* McCarthy [1954] 2 Q.B. 105; [1954] 2 W.L.R. 1044, C.C.A.

Director of Public Prosecutions *v.* Head [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862; [1957] 3 All E.R. 426. *Decision of the Court of Criminal Appeal affirmed*, [1959] A.C. 83; [1958] 2 W.L.R. 617, H.L.

Dirphy's (Owners) *v.* Soya (Owners). The Soya [1955] 1 W.L.R. 1246; sub nom. The Soya [1955] 3 All E.R. 621. *Affirmed* [1956] 1 W.L.R. 715, C.A.

Di Savini *v.* Lousada (1870) 18 W.R. 425. *Considered and explained*, McKee *v.* McKee [1951] A.C. 352; 1 T.L.R. 755; [1951] 1 All E.R. 942, P.C.

Disraeli Agreement, In re [1938] 4 All E.R. 658. *Applied*, Coates *v.* Diment [1951] 1 All E.R. 890

Dixon, In re [1892] P. 386; 8 T.L.R. 744. *Considered*, In re Matheson, decd. [1958] 1 W.L.R. 246

Dixon *v.* Clark (1848) 5 C.B. 365. *Followed*, Read's Trustee in Bankruptcy *v.* Smith [1951] Ch. 439; [1951] 1 All E.R. 406

Dixon *v.* Dixon [1953] P. 103; 1953] 2 W.L.R. 748; [1953] 1 All E.R. 910. *Distinguished*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659. *Considered*, Hill *v.* Hill [1954] P. 291; [1954] 2 W.L.R. 473

Dobbs *v.* Brain [1892] 2 Q.B. 207; 8 T.L.R. 630, C.A. *Distinguished*, Harvell *v.* Foster [1954] 1 Q.B. 591; [1954] 2 W.L.R. 642

Dobell & Co. *v.* Green & Co. [1900] 1 Q.B. 526; 16 T.L.R. 204, C.A. *Applied*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Dobell (G. E.) & Co. *v.* Steamship Rossmore Co. [1895] 2 Q.B. 408. *Distinguished*, Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 87, 96

Doe d. Bather *v.* Brayne (1848) 5 C.B. 655. *Applied*, Letchumanan Chettiar *v.* Sadayappa Chettiar [1953] 1 W.L.R. 269, P.C.

Doe d. Egremont (Earl) *v.* Courtenay (1848) 11 Q.B. 702. *Applied*, Barclays Bank *v.* Stasek [1957] Ch. 28; [1956] 3 W.L.R. 760. *Distinguished*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

Doe d. Ellerbrock *v.* Flynn (1834) 1 C.M. & R. 137. *Principle approved*, Wisbech St. Mary Parish Council *v.* Lilley [1956] 1 W.L.R. 121. *Applied*, Warner *v.* Sampson [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212

Doe d. Rochester (Bp.) *v.* Bridges (1831) 1 B. & Ad. 847. *Applied*, Watt *v.* Kesteven County Council [1954] 3 W.L.R. 729

Doe d. Stevens *v.* Lord (1838) 6 Dowl. 256. *Considered*, Aglionby *v.* Cohen [1955] 1 Q.B. 558; [1955] 2 W.L.R. 730

Doe d. Williams & Jeffery *v.* Cooper (1840) 1 Man. & G. 135. *Applied*, Warner *v.* Sampson [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109, C.A.

Doe d. Biddulph *v.* Poole (1848) 11 Q.B. 713. *Applied*, Barclays Bank *v.* Stasek [1957] Ch. 28; [1956] 3 W.L.R. 760

Doe d. Downe (Lord) *v.* Thompson (1847) 9 Q.B. 1037. *Followed*, Rust *v.* Goodale [1957] Ch. 33; [1956] 3 W.L.R. 750

Doe d. Gill *v.* Pearson (1805) 6 East 173. *Not followed*, Brown, decd., In re, District Bank *v.* Brown [1954] Ch. 39; [1953] 3 W.L.R. 877

Doe d. Graves *v.* Wells (1839) 10 Ad. & El. 427. *Approved*, Wisbech St. Mary Parish Council *v.* Lilley [1956] 1 W.L.R. 121, C.A.

Doe d. Gray *v.* Stanian (1836) 1 M. & W. 695. *Applied*, Nightingale *v.* Courtney [1954] 1 Q.B. 399; [1954] 2 W.L.R. 266, C.A.

Dolbey *v.* Goodwin [1955] 1 W.L.R. 553; [1955] 2 All E.R. 166. *Applied*, Scott *v.* Musial [1959] 2 Q.B. 429; [1959] 3 W.L.R. 437, C.A.

Dollar *v.* Winston [1950] Ch. 236; 65 T.L.R. 748; [1949] 2 All E.R. 1088n. *Distinguished*, Thomas Bookman *v.* Nathan [1955] 1 W.L.R. 815, C.A.

Dolton, Bournes and Dolton Ltd. *v.* Osmond [1955] 1 W.L.R. 621; [1955] 2 All E.R. 258, C.A. *Applied*, Almond *v.* Heathfield Laundry (Birmingham) Ltd. [1960] 1 W.L.R. 1339

Donald Campbell & Co. *v.* Pollak [1927] A.C. 732; 43 T.L.R. 495, 787, H.L. *Observations of Lord Cave applied*, Baylis Baxter *v.* Sabath [1958] 1 W.L.R. 529, C.A. *Applied*, Perry *v.* Stopher [1959] 1 W.L.R. 415, C.A.; Mayer *v.* Harte [1960] 1 W.L.R. 770

Donald Estate, In re [1928] 4 D.L.R. 181. *Considered*, In re Marshall, decd. Barclays Bank Ltd. *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 440

Donaldson, In re (1884) 27 Ch.D. 544. *Observed*, In re Fraser, Leach *v.* Public Trustee [1958] 1 W.L.R. 7

Donaldson *v.* Donaldson [1949] P. 363; 65 T.L.R. 233. *Followed*, Cruickshanks *v.* Cruickshanks [1957] 1 W.L.R. 564. *Applied*, Stone *v.* Stone [1958] 1 W.L.R. 1287

Donaldson *v.* McNiven [1952] 2 All E.R. 691; sub nom. Donaldsen *v.* McNiven [1952] W.N. 466, C.A. *Distinguished*, Newton *v.* Edgerley [1959] 1 W.L.R. 1031

Donnelly *v.* Glasgow Corporation, 1953 S.C. 107. *Dictum of Lord Hanson applied*, Davie *v.* New Merton Board Mills [1957] 2 Q.B. 368; [1957] 2 W.L.R. 747. *Not followed*, Davie *v.* New Merton Board Mills [1958] 1 Q.B. 210; [1958] 2 W.L.R. 22, C.A.; [1959] A.C. 604; [1959] 2 W.L.R. 331, H.L.

Donoghue *v.* Stevenson [1932] A.C. 562; 48 T.L.R. 494, H.L. *Considered*, Brock *v.* Richards [1951] 1 K.B. 529; [1951] 1 T.L.R. 69; [1951] 1 All E.R. 261, C.A. *Referred to*, Candler *v.* Crane, Christmas & Co. [1951] 2 K.B. 164; [1951] 1 T.L.R. 371; [1951] 1 All E.R. 426, C.A. *Referred to*, Pratt *v.* Richards [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90. *Considered*, London Graving Dock Co. Ltd. *v.* Horton [1951] A.C. 737; [1951] 1 T.L.R. 949; [1951] 2 All E.R. 1, H.L. *Applied*, Davis *v.* St. Mary's Demolition Co. [1954] 1 W.L.R. 592. *Followed*, Creed *v.* McGeoch & Sons [1955] 1 W.L.R. 1005. *Referred to*, Gledhill *v.* Liverpool Abattoir Utility Co. [1957] 1 W.L.R. 1029, C.A. *Applied*, Prince *v.* Gregory [1959] 1 W.L.R. 177, C.A.; Baker *v.* T. E. Hopkins & Son [1959] 1 W.L.R. 966, C.A.

Donohue *v.* St. Etienne de la Malbaie [1924] S.C.R. (Can.) 511. *Applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Donovan *v.* Cammell Laird & Co. [1949] 2 All E.R. 82. *Not followed*, Bryers *v.* Canadian Pacific Steamships [1956] 1 W.L.R. 1182; [1956] 3 W.L.R. 777, C.A.; sub nom. Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 994, H.L.

Donovan *v.* Union Cartage Co. [1933] 2 K.B. 71; 49 T.L.R. 125. *Applied*, Dyer *v.* Ilfracombe Urban District Council [1956] 1 W.L.R. 219, C.A.

Dormer (orse. Ward) *v.* Ward [1901] P. 20; 17 T.L.R. 12, C.A. *Applied*, Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A.

Doss (Anund Lall) *v.* Jullodhur Shaw (1872) 17 Suth.W.R. 313. *Considered*, Perera *v.* Perera [1960] A.C. 571; [1960] 2 W.L.R. 652

Doughty, In re [1947] Ch. 263; 63 T.L.R. 257; [1947] 1 All E.R. 207, C.A.; reversing [1946] 2 All E.R. 341. *Applied*, In re Whitehead's Will Trusts. Public Trustee *v.* White [1959] Ch. 579; [1959] 3 W.L.R. 33. *Distinguished*, In re Duff's Settlements [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534, C.A.

Douglas' Will Trusts, In re. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 744; [1959] 2 All E.R. 620. *Decision of Vaisey J. affirmed* [1959] 1 W.L.R. 1212, C.A.

Dow *v.* Cassaigne. *See* In re Allan.

Dowell *v.* Dowell [1952] W.N. 296; [1952] 2 All E.R. 141, D.C. *Referred to*, National Assistance Board *v.* Prisk [1954] 1 W.L.R. 443, D.C.

Downshire *v.* O'Brien (1887) 19 L.R.Ir. 380. *Observations of Chatterton V.-C. applied*, Scottish Co-operative Wholesale Society *v.* Ulster Farmers Mart Co. Ulster Farmers Mart Co. *v.* Scottish Co-operative Wholesale Society [1960] A.C. 63; [1959] 2 W.L.R. 857, H.L.

Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94; [1953] 1 All E.R. 103, C.A. *Considered*, Chapman *v.* Chapman [1954] A.C. 429; [1954] 2 W.L.R. 723, H.L. *Discussed*, In re Yates, Yates *v.* Yates [1954] 1 W.L.R. 564, C.A. *Applied*, In re Forster's Settlement [1954] 1 W.L.R. 1450; In re Simmons, Simmons *v.* Public Trustee [1956] Ch. 125; [1956] 2 W.L.R. 16

Dracup *v.* Radcliffe (1946) 27 T.C. 188. *Applied*, Heasman *v.* Jordan [1954] Ch. 744; [1954] 3 W.L.R. 432

Drake, In re [1921] 2 Ch. 99. *Followed*, In re Bedford, decd. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093

Drake *v.* Bedfordshire County Council [1944] K.B. 620, 626; 60 T.L.R. 304; [1944] 1 All E.R. 633. *Dictum of Cassels J. questioned.* Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745

Drax, In re (1906) 22 T.L.R. 343. *Followed*, In re Neeld, decd. [1960] Ch. 455; [1960] 2 W.L.R. 730

Dredge *v.* Conway, Jones & Co. [1901] 2 K.B. 42; 17 T.L.R. 355, C.A. *Considered*, Day *v.* Harland and Wolff [1953] 1 W.L.R. 906

Drew *v.* Drew (1888) 13 P.D. 97. *Applied*, Lilley *v.* Lilley [1959] 3 W.L.R. 306, C.A.

Drew & Co. *v.* Josolyne (1887) 18 Q.B.D. 590; 3 T.L.R. 482, C.A. *Followed*, In re Tout & Finch [1954] 1 W.L.R. 178

Dreyfus (Louis) & Cie. *v.* Parnaso Cia. Naviera S.A. [1959] 1 Q.B. 498; [1959] 2 W.L.R. 405; [1959] 1 All E.R. 502. *Decision of Diplock J. reversed*, [1960] 2 W.L.R. 637

Dreyfus (Louis) & Co. *v.* Tempus Shipping Co. [1931] A.C. 726; 47 T.L.R. 542. *Applied*, Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 597

Drieselman *v.* Winstanley (1909) 53 S.J. 631. *Considered*, King *v.* Cave-Browne-Cave [1960] 2 Q.B. 222; [1960] 3 W.L.R. 204

Drive Yourself Hire Co. (London) *v.* Strutt [1953] 2 W.L.R. 953; [1953] 1 All E.R. 1036. *Reversed* [1954] 1 Q.B. 250; [1953] 3 W.L.R. 1111; [1953] 2 All E.R. 1474. *Considered*, Rayfield *v.* Hands [1960] Ch. 1; [1958] 2 W.L.R. 851. *Dicta of Denning L.J. not followed*, Green *v.* Russell, McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Drost *v.* Drost & Hanson [1942] 1 D.L.R. 72. *Not followed*, Brown *v.* Lloyd and Lloyd [1957] P. 367; [1957] 2 W.L.R. 951

Drummond, In re [1909] 2 K.B. 622; 25 T.L.R. 706. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Drummond, In re. Ashworth *v.* Drummond [1914] 2 Ch. 90; 30 T.L.R. 429. *Considered*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.; In re Endacott, decd. [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Drummond *v.* British Building Cleaners [1954] 1 W.L.R. 501. *Reversed* [1954] 1 W.L.R. 1434, C.A. *Considered*, Haynes *v.* Qualcast (Wolverhampton) [1958] 1 W.L.R. 225, C.A.

Drummond & Sons *v.* Van Ingen (E. H.) & Co. (1887) 12 App.Cas. 296; 3 T.L.R. 541. *Dictum of Lord M'Naghten applied*, Godley *v.* Perry [1960] 1 W.L.R. 9

Du Bost *v.* Beresford (1810) 2 Camp. 511. *Applied*, Jozwiak *v.* Sadek [1954] 1 W.L.R. 275

Du Jardin *v.* Beadman Bros. Ltd. [1952] 2 Q.B. 712; [1952] 1 T.L.R. 1601; [1952] 2 All E.R. 160. *Considered*, Ingram *v.* Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504

Duchesne *v.* Duchesne [1951] P. 101; 66 T.L.R. (Pt. 2) 639; [1950] 2 All E.R. 784. *Distinguished*. Hull *v.* Hull [1960] P. 118; [1960] 2 W.L.R. 627

Dudley and District Benefit Building Society *v.* Emerson [1949] Ch. 707; 65 T.L.R. 444; [1949] 2 All E.R. 252, C.A. *Distinguished*, Lever Finance *v.* L. N. and H. M. Needleman (Bankrupts) and Kreutzer's Trustee [1956] Ch. 375; [1956] 3 W.L.R. 73

Duff Development Co. *v.* Kelantan Government [1924] A.C. 797; 40 T.L.R. 566, H.L. *Followed*, Kahan *v.* Pakistan Federation [1951] 2 K.B. 1003; [1951] 2 T.L.R. 697, C.A. *Considered*, Luigi Monta of Genoa *v.* Cechofracht Co. [1956] 2 Q.B. 552; [1956] 3 W.L.R. 481

Duff's Settlements, In re [1951] Ch. 721; [1951] 1 T.L.R. 735; [1951] 1 All E.R. 869. *Affirmed*, [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534, C.A.

Duffin *v.* Markham (1918) 88 L.J.K.B. 581. *Distinguished*, Middleton *v.* Rowlett [1954] 1 W.L.R. 831, D.C.

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Dufow *v.* Pereira (1769) 1 Dick. 419; 2 Harg.Jurid.Arg. 304. *Dicta of Lord Camden L.C. applied*, Green, decd., In re. Lindner *v.* Green [1951] Ch. 148; 66 T.L.R. (Pt. 2) 819; [1950] 2 All E.R. 913

Duke, In re [1921] 2 Ch. 99. *Followed*, In re Bedford, decd. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093

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Duncan *v.* Cammell Laird & Co. [1942] A.C. 624; 58 T.L.R. 242; [1942] 1 All E.R. 587, H.L. *Followed and applied*, Broome *v.* Broome [1955] P. 190; [1955] 2 W.L.R. 401. *Applied*, Auten *v.* Baker, Todman & Co. [1958] 1 W.L.R. 1300, C.A.

Duncan *v.* Köster. The Teutonia (1872) L.R. 4 P.C. 171, P.C. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Duncan *v.* Louch (1845) 6 Q.B. 904. *Followed*, In re Ellenborough Park [1956] Ch. 131; [1955] 3 W.L.R. 892, 893, C.A.

Dunkirk Colliery Co. *v.* Lever (1878) 9 Ch.D. 20, C.A. *Applied*, W. L. Thompson *v.* Robinson (Gunmakers) [1955] Ch. 177; [1955] 2 W.L.R. 185. *Referred to*, Charter *v.* Sullivan [1957] 2 Q.B. 117; [1957] 2 W.L.R. 528, C.A.

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Dunlop Pneumatic Tyre Co. *v.* Selfridge & Co. [1915] A.C. 847; 31 T.L.R. 399. *Considered*, In re Austin Motor Car Co.'s Agreements [1958] Ch. 61; [1957] 3 W.L.R. 451. *Dictum of Lord Haldane applied*, Midland Silicones *v.* Scruttons [1959] 2 Q.B. 171; [1960] 3 W.L.R. 372, 761. *Applied*, Green *v.* Russell, McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Dunn *v.* Dunn (1888) 13 P.D. 91; 4 T.L.R. 399, C.A. *Applied*, Schlesinger *v.* Schlesinger [1958] 1 W.L.R. 882

Dunn *v.* Fidoe [1950] W.N. 419; 66 T.L.R. (Pt. 2) 611; [1950] 2 All E.R. 685. *Distinguished*, Monson *v.* Bound [1954] 1 W.L.R. 1321

Dunn *v.* R. [1896] 1 Q.B. 116; 12 T.L.R. 101, C.A. *Considered*. Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331. *Applied*, Riordan *v.* War Office [1959] 1 W.L.R. 1046

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Dunne *v.* Saban [1955] P. 178; [1954] 3 W.L.R. 980; [1954] 3 All E.R. 586. *Followed*, Arnold *v.* Arnold [1957] P. 237; [1957] 2 W.L.R. 367

Dunster *v.* Abbott [1954] 1 W.L.R. 58; [1953] 2 All E.R. 1572, C.A. *Applied*, Slade *v.* Battersea and Putney Hospital Management Committee [1955] 1 W.L.R. 207

Dupins *v.* Ogbourne St. George [1941] P. 119. *Distinguished*, In re Parish of South Creake [1959] 1 W.L.R. 427

Durham County Electric Power Distribution Co. *v.* Inland Revenue Commissioners [1909] 2 K.B. 604; 25 T.L.R. 672. *Applied*, Independent Television Authority and Associated Rediffusion *v.* Inland Revenue Commissioners [1959] 1 W.L.R. 259, C.A.

Durose *v.* Wilson (1907) 96 L.T. 645, D.C. *Considered*, Strath *v.* Foxon [1956] 1 Q.B. 67; [1955] 3 W.L.R. 660, D.C.

Dyer *v.* Dyer (1788) 2 Cox Eq.Cas. 92. *Considered*, Shephard *v.* Cartwright [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

E. (An Infant), In re [1956] Ch. 23; [1955] 3 W.L.R. 493; [1955] 3 All E.R. 174. *Followed*, In re C. T. (An Infant) [1957] Ch. 48; [1956] 3 W.L.R. 827. *Applied*, Andrews *v.* Andrews and Sullivan [1958] P. 217; [1958] 2 W.L.R. 942

Ealing Corporation *v.* Jones [1959] 1 Q.B. 384; [1959] 2 W.L.R. 194; [1959] 1 All E.R. 286. *Applied*, Reg. *v.* Dorset Quarter Sessions Appeals Committee. Ex parte Weymouth Corpn. [1960] 2 Q.B. 230; [1960] 3 W.L.R. 66

Earl Fitzwilliam's Wentworth Estates Co. Ltd. *v.* Minister of Town and Country Planning [1951] 1 K.B. 203; 66 T.L.R. (Pt. 2) 546. *Affirmed*, [1951] 2 K.B. 284; [1951] 1 T.L.R. 878; [1951] 1 All E.R. 982, C.A. *Applied*, Travis *v.* Minister of Local Government and Planning [1951] 2 K.B. 956; [1951] 2 T.L.R. 614; [1951] 2 All E.R. 673

East End Dwellings *v.* Finsbury Borough Council [1952] A.C. 109; [1951] 2 T.L.R. 485; [1951] 2 All E.R. 587, H.L. *Considered*, Paddington Borough Council *v.* War Damage Commission [1957] 1 Q.B. 294; [1956] 3 W.L.R. 914, C.A.

East Midlands Gas Board *v.* Doncaster Corporation [1953] 1 W.L.R. 54; [1953] 1 All E.R. 54. *Followed*, Healey *v.* Minister of Health [1954] 2 Q.B. 221; [1954] 3 W.L.R. 222

East Riding County Council *v.* Park Estate (Bridlington) [1957] A.C. 223; [1956] 3 W.L.R. 312; [1956] 2 All E.R. 669, H.L. *Applied*, Francis *v.* Yiewsley and West Drayton Urban District Council [1957] 2 Q.B. 136; [1957] 2 W.L.R. 628; [1957] 3 W.L.R. 920, C.A.; Norris *v.* Edmonton Corporation [1957] 2 Q.B. 564; [1957] 3 W.L.R. 389, D.C. *Considered*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886, D.C. *Applied*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630, C.A.

Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886; [1958] 2 All E.R. 276. *Decision of Divisional Court reversed*, [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630, C.A. *Followed*, Guildford Rural District Council *v.* Fortescue [1959] 2 Q.B. 112; [1959] 2 W.L.R. 643, C.A. *Dicta of Lord Evershed M.R. applied*, Mounsdon *v.* Weymouth and Melcombe Borough Council [1960] 1 Q.B. 645; [1960] 2 W.L.R. 484

Easterbrook *v.* Easterbrook (orse. Jervis) [1944] P. 10; 60 T.L.R. 80; [1944] 1 All E.R. 90. *Approved*, Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1956] P. 115; [1955] 3 W.L.R. 188, 849.

Eastern Counties Railway Co. *v.* Dorling (1859) 5 C.B.N.S. 821. *Applied*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Easton, In re, ex parte Dixon (1893) 9 T.L.R. 408, D.C. *Distinguished*, In re A Debtor (No. 30 of 1956). Ex parte The Debtor *v.* F. R. Harman (A Creditor) [1957] Ch. 381; [1957] 2 W.L.R. 865, D.C.

Ebbs *v.* Whitson (James) & Co. [1952] 2 Q.B. 877; [1952] 1 T.L.R. 1428; [1952] 2 All E.R. 192, C.A. *Applied*, Coote *v.* Eastern Gas Board [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592; Gregson *v.* Hick Hargreaves & Co. [1955] 1 W.L.R. 1025; Graham *v.* Co-operative Wholesale Society [1957] 1 W.L.R. 512

Ebbw Vale Steel, Iron and Coal Co. *v.* Tew (1935) 1 L.J.N.C.C.A. 284; (1935) 79 S.J. 593, C.A. *Considered*, National Coal Board *v.* Galley [1958] 1 W.L.R. 17, C.A.

Eccles *v.* Bryant [1948] Ch. 93; [1947] 2 All E.R. 865, C.A. *Distinguished*, Windsor Refrigerator Co. Ltd. *v.* Branch Nominees Ltd. [1961] Ch. 88; [1960] 3 W.L.R. 108

Eccles & Co. *v.* Louisville & Nashville Railroad Co. [1912] 1 K.B. 135; 28 T.L.R. 67, C.A. *Explained*, Radio Corporation of America *v.* Rauland Corporation [1956] 1 Q.B. 618; [1956] 2 W.L.R. 614, D.C. *Dictum of Vaughan Williams L.J. applied* [1956] 2 W.L.R. 282

Ede *v.* Wilson (1942) 26 T.C. 381. *Applied*, Wilkins *v.* Rogerson [1960] Ch. 437; [1960] 2 W.L.R. 515

Edevain *v.* Cohen (1889) 41 Ch.D. 563; (1890) 43 Ch.D. 187, C.A. *Distinguished*, G. L. Baker *v.* Medway Building and Supplies [1958] 1 W.L.R. 1216, C.A.

Edgelow *v.* MacElwee [1918] 1 K.B. 205. *Applied*, Official Assignee of Khoon *v.* Ek Liong Hin Ltd. [1960] A.C. 178; [1960] 2 W.L.R. 250

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Edwards, In re [1906] 1 Ch. 570. *Dictum of Romer J. applied*, In re Wragg, decd. [1959] 1 W.L.R. 922, C.A.

Edwards, In re, Macadam *v.* Wright [1957] Ch. 21; [1956] 3 W.L.R. 771; [1956] 3 All E.R. 526. *Decision of Upjohn J. reversed* [1958] Ch. 168; [1957] 3 W.L.R. 131, C.A.

Edwards *v.* Bairstow and Harrison (1954) 47 R. & I.T. 340, C.A. *Reversed* [1956] A.C. 14; [1955] 3 W.L.R. 410; [1955] 3 All E.R. 48, H.L. *Considered*, Fleet Electrics *v.* Jacey Investments [1956] 1 W.L.R. 1028, C.A.; Moriarty *v.* Evans Medical Supplies [1958] 1 W.L.R. 66, H.L. *Distinguished*, Evans Medical Supplies *v.* Moriarty [1957] 1 W.L.R. 289, C.A.

Edwards *v.* Edwards [1948] P. 268; 64 T.L.R. 61; [1948] 1 All E.R. 157; 46 L.G.R. 93, D.C. *Followed*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C. *Applied*, Lewis *v.* Lewis [1956] P. 205n.; [1955] 3 W.L.R. 862, D.C.

Edwards *v.* Edwards [1950] P. 8; 65 T.L.R. 419, C.A. *Followed*, Dixon *v.* Dixon [1953] P. 103; [1953] 2 W.L.R. 748. *Considered*, Foster *v.* Foster [1954] P. 67; [1953] 3 W.L.R. 623, D.C.

Edwards *v.* Edwards [1958] P. 235; [1958] 2 W.L.R. 956; [1958] 2 All E.R. 179. *Considered*, Woodard *v.* Woodard and Curd [1959] 1 W.L.R. 493

Edwards *v.* Great Western Ry. Co. (1851) 11 C.B. 588. *Dicta of Jervis C.J. applied*, Chandris *v.* Isbrandtsen-Moller Co. Inc. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 2) 358; [1950] 2 All E.R. 618, C.A.

Edwards *v.* Griffiths [1955] 1 W.L.R. 1199; [1953] 2 All E.R. 874, D.C. *Distinguished*, Mumford *v.* Hardy [1956] 1 W.L.R. 164, D.C.

Edwards *v.* Hall [1949] W.N. 38; [1949] 1 All E.R. 352. *Considered*, Cooper *v.* Critchley [1955] Ch. 431; [1955] 2 W.L.R. 54, C.A.

Edwards *v.* National Coal Board [1949] 1 K.B. 704; 65 T.L.R. 430; [1949] 1 All E.R. 743, C.A. *Observations of Tucker L.J. applied*, Thomas *v.* Bristol Aeroplane Co. [1954] 1 W.L.R. 694, C.A. *Considered*, Brown *v.* National Coal Board [1961] 1 Q.B. 303; [1960] 3 W.L.R 892

Edwards *v.* Wanstall (1929) 46 T.L.R. 101, D.C. *Disapproved*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Edwards' Will Trusts, In re [1948] Ch. 440; [1948] 1 All E.R. 821, C.A. *Applied*, In re Schintz's Will Trusts [1951] Ch. 870; [1951] 1 All E.R. 1095

Egerton *v.* Brownlow (1853) 4 H.L.C. 1, 196. *Referred to*, Monkland *v.* Jack Barclay Ltd. [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714, C.A.

Egg *v.* Blayney (1888) 21 Q.B.D. 107, D.C. *Applied*, Chivers & Sons *v.* Air Ministry [1955] Ch. 585; [1955] 3 W.L.R. 154

Egmont (Earl) *v.* Smith (1877) 6 Ch.D. 469. *Applied*, Abdulla *v.* Shah [1959] A.C. 124; [1959] 2 W.L.R. 12, P.C.

Egmont's (Lord) Settled Estates, In re (1890) 45 Ch.D. 395; 6 T.L.R. 461, C.A. *Distinguished*, In re Sandbach, decd. [1951] Ch. 294, 791; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971, C.A.

Egyptian Delta Land and Development Co. *v.* Todd [1929] A.C. 1; 44 T.L.R. 747. *Explained*, Bullock *v.* Unit Construction Co. [1959] Ch. 315; [1959] 2 W.L.R. 437, C.A. *Considered*, Unit Construction Co. *v.* Bullock (Inspector of Taxes) [1960] A.C. 351; [1959] 3 W.L.R. 1022, H.L.

Elborough *v.* Ayres (1870) L.R. 10 Eq. 367. *Dictum of Sir William James V.-C. applied*, Martell *v.* Consett Iron Co. [1955] Ch. 363; [1955] 2 W.L.R. 463, C.A.

Elder *v.* Elder and Watson, 1952 S.C. 49. *Approved*, In re H. R. Harmer [1959] 1 W.L.R. 62, C.A.

Elder, Dempster & Co. *v.* Paterson, Zochonis & Co. [1924] A.C. 522; 40 T.L.R. 464, H.L. *Considered*, Pyrene Co. *v.* Scindia Navigation Co. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005. *Distinguished*, Adler *v.* Dickson [1955] 1 Q.B. 158; [1954] 3 W.L.R. 450, 696, C.A. *Explained*, Midland Silicones *v.* Scruttons [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761

Elder Dempster & Co. Ltd. *v.* Paterson, Zochonis & Co. Ltd. [1924] A.C. 522; 40 T.L.R. 464. H.L. *Considered*, Midland Silicones Ltd. *v.* Scruttons Ltd. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372

Elders & Fyffes *v.* Hamburg Amerikanische Packetfahrt Ait (1917) 34 T.L.R. 275, C.A. *Considered*, Kuenigl *v.* Donnersmarck [1955] 1 Q.B. 515; [1955] 2 W.L.R. 82

Eldorado Ice Cream *v.* Keating [1938] 1 K.B. 715; 54 T.L.R. 356. *Referred to*, Stone *v.* Boreham [1958] 3 W.L.R. 209, D.C. *Applied*, Kahn *v.* Newberry [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650, D.C.

Eldridge & Morris *v.* Taylor [1931] 2 K.B. 416; 47 T.L.R. 516. *Applied*, J. W. Grahame (English Financiers) *v.* Ingram [1955] 1 W.L.R. 563, C.A.

Electrix's Application, In re [1958] R.P.C. 176; affirming [1957] R.P.C. 369. *Decision of the Court of Appeal affirmed*, Electrix *v.* Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503, H.L.

Ellenborough, In re, Towry Law & Burne, [1903] 1 Ch. 697. *Distinguished*, In re Burton's Settlements [1955] Ch. 82; [1954] 3 W.L.R. 581

Ellenborough Park, In re. In re Davies, decd., Powell *v.* Maddison [1955] 3 W.L.R. 91; [1955] 2 All E.R. 38. *Affirmed* [1956] Ch. 131; [1955] 3 W.L.R. 892

Ellerby *v.* March [1954] 2 Q.B. 357; [1954] 3 W.L.R. 53; [1954] 2 All E.R. 375, C.A.; affirming [1953] C.P.L. 674. *Considered*, Sole *v.* Henning (Valuation Officer) [1959] 1 W.L.R. 769, C.A.

Ellingsen *v.* Det Skandinaviske Compani [1919] 2 K.B. 567; 35 T.L.R. 595, C.A. *Considered*, Korner *v.* H. Korner & Co. Ltd. [1951] Ch. 10; 66 T.L.R. (Pt. 2) 469; [1950] 2 All E.R. 451, C.A.

Elliot *v.* National Coal Board, 1956 S.C. 484. *Applied*, Gough *v.* National Coal Board [1958] 2 W.L.R. 735. *Overruled*, Gough *v.* National Coal Board [1959] A.C. 698; [1959] 2 W.L.R. 658, H.L.

Elliott, In re, Lloyds Bank *v.* Burton-on-Trent Hospital Management Committee [1952] Ch. 217; [1952] 1 T.L.R. 298; [1952] 1 All E.R. 145. *Considered*, Wolffe, In re, Shapley *v.* Wolffe [1953] 1 W.L.R. 1211

Elliott *v.* Boynton [1924] 1 Ch. 250; 40 T.L.R. 180, C.A. *Applied*, Wiseman *v.* Wiseman [1953] P. 79; [1953] 2 W.L.R. 499, C.A.

Elliott *v.* Elliott (1841) 12 Sim. 276. *Not followed*, In re Ransome, decd. [1957] Ch. 348; [1957] 2 W.L.R. 556

Elliott and H. Elliott (Builders) *v.* Pierson [1948] Ch. 452; [1948] 1 All E.R. 939. *Considered*, Manning *v.* Turner [1957] 1 W.L.R. 92

Ellis *v.* Emmanuel (1876) 1 Ex.D. 157, C.A. *Considered*, The Liverpool (No. 2) [1960] 2 W.L.R. 541

Ellis *v.* Home Office [1953] 2 Q.B. 135; [1953] 3 W.L.R. 105; [1953] 2 All E.R. 149, C.A. *Followed and applied*, Broome *v.* Broome [1955] P. 190; [1955] 2 W.L.R. 401. *Referred to*, Auten *v.* Rayner [1958] 1 W.L.R. 1300, C.A.

Ellis *v.* Loftus Iron Co. (1874) L.R. 10 C.P. 10. *Applied*, Wormald *v.* Cole [1954] 1 Q.B. 614; [1954] 2 W.L.R. 613, C.A.

Ellis *v.* Rogers (1884) 29 Ch.D. 661, on appeal (1885), 29 Ch.D. 668, C.A. *Distinguished*, Milner *v.* Staffordshire Congregational Union (Incorporated) [1956] Ch. 275; [1956] 2 W.L.R. 557

Ellis & Sons Amalgamated Properties Ltd. *v.* Sisman [1948] 1 K.B. 653; 64 T.L.R. 11; [1948] 1 All E.R. 44, C.A. *Distinguished*, East End Dwellings Co. Ltd. *v.* Finsbury Borough Council [1951] 1 K.B. 441; 66 T.L.R. (Pt. 2) 876; [1950] 2 All E.R. 943, C.A.

Elliston *v.* Reacher [1908] 2 Ch. 665, C.A. *Applied*, Halsall *v.* Brizell [1957] Ch. 169; [1957] 2 W.L.R. 124. In re Pinewood Estate, Farnborough [1958] Ch. 280; [1957] 3 W.L.R. 256

Elmdene Estates Ltd. *v.* White [1959] 3 W.L.R. 185; [1959] 2 All E.R. 605. *Decision of the Court of Appeal affirmed* [1960] 2 W.L.R. 359; [1960] A.C. 528

Elms *v.* Foster Wheeler [1954] 1 W.L.R. 1071; [1954] 2 All E.R. 714, C.A. *Applied*, Hughes *v.* McGoff and Vickers [1955] 1 W.L.R. 417; Simmons *v.* Bovis [1956] 1 W.L.R. 382

Elphinstone (Lord) *v.* Monkland Iron and Coal Co. (1886) 11 App.Cas. 332, H.L. *Followed*, House Property and Investment Co., In re [1954] Ch. 576; [1953] 3 W.L.R. 1037

Emanuel *v.* Emanuel [1946] P. 115; 61 T.L.R. 538; [1945] 2 All E.R. 494. *Considered*, Combe *v.* Combe [1951] 2 K.B. 215; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767, C.A.

Emanuel *v.* Symon [1908] 1 K.B. 302; 24 T.L.R. 85, C.A. *Considered*, In re Trepca Mines Ltd. [1960] 1 W.L.R. 24, 29, 1273

Embury, In re, Page *v.* Bowyer (1913) 109 L.T. 511. *Followed*, Mousley *v.* Rigby [1955] Ch. 139; [1954] 3 W.L.R. 891

Emerson *v.* Woods [1942] N.I. 118. *Followed*, Roe *v.* Hemmings [1951] 1 K.B. 676; [1951] 1 T.L.R. 365; [1951] 1 All E.R. 389, D.C.

Emmens *v.* Pottle (1885) 16 Q.B.D. 354; 2 T.L.R. 115, C.A. *Distinguished*, Regina *v.* Griffiths, ex parte The Attorney-General [1957] 2 Q.B. 192; [1957] 2 W.L.R. 1065, D.C.

Emmet's Estate, In re (1880) 13 Ch.D. 484, C.A. *Considered*, In re Bleckly, decd. [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064, C.A.

Engelke *v.* Musmann [1928] A.C. 432; 44 T.L.R. 731, H.L. *Considered*, In re C. (An Infant) [1959] Ch. 363; [1958] 3 W.L.R. 309

England *v.* National Coal Board [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059; [1953] 1 All E.R. 1194, C.A. *Varied*, National Coal Board *v.* England [1954] A.C. 403; [1954] 2 W.L.R. 400, H.L.

English Assurance Co., In re. Holdich's Case (1872) L.R. 14 Eq. 72. *Applied*, In re Trepca Mines Ltd. [1960] 1 W.L.R. 1273

English, Scottish and Australian Chartered Bank, In re [1893] 3 Ch. 385, 394; 9 T.L.R. 581, C.A. *Considered*, In re Suidair International Airways Ltd. (Application of Vickers-Armstrongs Ltd.) [1951] Ch. 165; 66 T.L.R. (Pt. 2) 909; [1950] 2 All E.R. 920

Enoch and Zaretzky, Bock & Co., In re [1910] 1 K.B. 327. *Distinguished*, Fallon *v.* Calvert [1960] 2 Q.B. 201; [1960] 2 W.L.R. 346

Enohin *v.* Wylie (1862) 10 H.L.C. 1, 19. *Considered*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Epps *v.* Rothnie [1945] K.B. 562; 61 T.L.R. 533; [1946] 1 All E.R. 146, C.A. *Applied*, Newton *v.* Biggs [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203, C.A.

Equitable Trust Co. of New York *v.* Dawson Partners (1927) 27 Ll.L.Rep. 49. *Applied*, Minster Trust *v.* Traps Tractors [1954] 1 W.L.R. 963

Erlanger *v.* New Sombrero Phosphate Co. (1878) 3 App.Cas. 1218, H.L. *Dictum of Lord Blackburn applied*, Abeyegbe *v.* Ikomi [1953] 1 W.L.R. 263, P.C.

Ernest (Prince) of Hanover *v.* Attorney-General [1956] Ch. 188; [1955] 3 W.L.R. 868; sub nom. H.R.H. Prince Ernest Augustus of Hanover *v.* Att.-Gen. [1955] 3 All E.R. 647, C.A.; reversing [1955] Ch. 440; [1955] 2 W.L.R. 613; [1955] 1 All E.R. 746. *Decision of Court of Appeal affirmed*, sub nom. Attorney-General *v.* Prince Ernest Augustus of Hanover [1957] A.C. 436; [1957] 2 W.L.R. 2, H.L.

Errington *v.* Errington and Woods [1952] 1 K.B. 290; [1952] 1 T.L.R. 231; [1952] 1 All E.R. 149, C.A. *Referred to*, Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714. *Explained*, Addiscombe Garden Estates *v.* Crabbe [1958] 1 Q.B. 513; [1957] 3 W.L.R. 981, C.A. *Considered*, Isaac *v.* Hotel de Paris Ltd. [1960] 1 W.L.R. 239

Errington *v.* Minister of Health [1935] 1 K.B. 249; 51 T.L.R. 44. *Considered*, Reg. *v.* Registrar of Building Societies, ex parte A Building Society (Div.Ct. and C.A.) [1960] 1 W.L.R. 669

Ertel Bieber & Co. *v.* Rio Tinto Co. [1918] A.C. 260; 34 T.L.R. 208, H.L. *Considered*, Arab Bank *v.* Barclays Bank (Dominion, Colonial and Overseas) [1954] A.C. 495; [1954] 2 W.L.R. 1022, H.L. *Applied*, Kuenigl *v.* Donnersmarck [1955] 1 Q.B. 515; [1955] 2 W.L.R. 82

Escoigne Properties *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 980; [1956] 3 All E.R. 33. *Reversed* [1957] 1 W.L.R. 175; [1957] 1 All E.R. 291. *Decision of Court of Appeal affirmed* [1958] A.C. 549; [1958] 2 W.L.R. 336, H.L.

Eshugbayi Eleko *v.* Officer Administering the Government of Nigeria [1928] A.C. 459; 44 T.L.R. 632, P.C. *Questioned*, In re Hastings No. 3 [1959] 1 Q.B. 358; [1958] 3 W.L.R. 768, D.C.

Espresso Coffee Machine Co. *v.* Guardian Assurance Co. [1958] 1 W.L.R. 900; [1958] 2 All E.R. 692. *Decision of Harman J. affirmed* [1959] 1 W.L.R. 250, C.A.

Esso Petroleum *v.* Southport Corporation [1956] 2 W.L.R. 81; [1955] 3 All E.R. 864, H.L. *Applied*, Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342, C.A.

Estin *v.* Estin (1948) 334 U.S. 541. *Applied*, Wood *v.* Wood [1957] P. 254; [1957] 2 W.L.R. 827, C.A.

Établissement Baudelot *v.* R. S. Graham & Co. [1952] 2 T.L.R. 736. *Affirmed* [1953] 2 Q.B. 271; [1953] 2 W.L.R. 180, C.A.

Etherington *v.* Carter [1937] 2 All E.R. 528. *Disapproved*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Etic, In re [1928] Ch. 861. *Applied*, In re B. Johnson & Co. (Builders) [1955] Ch. 634; [1955] 3 W.L.R. 269, C.A.

Ettrick, The (1881) 6 P.D. 127, C.A. *Applied*, Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 596. *Dicta of Jessel M.R. considered*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Evans, In re (1931) 15 B. & C.R. 48. *Followed*, In re A Debtor, No. 21 of 1950 [1951] Ch. 313; [1951] 1 T.L.R. 174, D.C.

Evans, In re. Evans *v.* Noton [1893] 1 Ch. 252; 9 T.L.R. 108, C.A. *Applied*, In re Hunt [1959] 1 Q.B. 378; [1959] 2 W.L.R. 95, C.A. *Applied*, Hunt *v.* Allied Bakeries (No. 2) [1959] 1 W.L.R. 50, C.A.

Evans *v.* Bartlam [1937] A.C. 473; 53 T.L.R. 689; [1937] 2 All E.R. 646, H.L. *Applied*, Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A. *Considered*, Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332, C.A.

Evans *v.* Davis (1878) 10 Ch.D. 747. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Evans *v.* Evans (1790) 1 Hag.Con. 35. *Applied*, Eastland *v.* Eastland [1954] P. 403; [1954] 2 W.L.R. 851

Evans *v.* Hoare [1892] 1 Q.B. 593; 8 T.L.R. 441. *Applied*, Leeman *v.* Stocks [1951] Ch. 941; [1951] 2 T.L.R. 622; [1951] 1 All E.R. 1043

Evans *v.* Horner [1925] Ch. 177. *Applied*, Nichols *v.* Walters [1954] 1 W.L.R. 1. *Dictum of Russell J. applied*, Coutts & Co. *v.* Duntroon Investment Corporation [1958] 1 W.L.R. 117

Evans *v.* Jones (1862) 2 B & S. 45. *Applied*, Duchin *v.* Swanage Urban District Council, Same *v.* Dorset County Council [1954] 2 Q.B. 308; [1954] 3 W.L.R. 407

Evans *v.* Wills (1876) 1 C.P.D. 229. *Dictum of Cockburn C.J. applied*, Wiltshire *v.* Fell [1960] 1 Q.B. 181; [1959] 3 W.L.R. 984, C.A.

Evans Medical Supplies *v.* Moriarty [1956] 1 W.L.R. 794; [1956] 2 All E.R. 706; [1958] 1 W.L.R. 66, 76; 37 T.C. 540; [1957] 3 All E.R. 718, H.L. *Varied* [1957] 1 W.L.R. 289; [1957] 1 All E.R. 336. *Decision of the Court of Appeal affirmed* [1958] 1 W.L.R. 67, H.L. *Applied*, Jeffrey *v.* Rolls-Royce Ltd. [1960] 1 W.L.R. 720

Eve, In re, Edwards *v.* Burns [1909] 1 Ch. 796. *Applied*, Gilpin, In re, Hutchinson *v.* Gilpin [1954] Ch. 1; [1953] 3 W.L.R. 746

Everitt *v.* Everitt [1948] W.N. 237; 65 T.L.R. 121; [1948] 2 All E.R. 545, C.A. *Distinguished*, Edwards *v.* Edwards [1951] P. 228; [1951] 1 T.L.R. 600; [1951] 1 All E.R. 63, D.C. *Applied*, Wiseman *v.* Wiseman [1953] P. 79; [1953] 2 W.L.R. 499, C.A.; Thynne *v.* Thynne [1955] 3 W.L.R. 108

Evertite Locknuts, In re [1945] Ch. 220; 61 T.L.R. 274; [1945] 1 All E.R. 401. *Applied*, In re Western Manufacturing (Reading) [1956] Ch. 436; [1956] 2 W.L.R. 438

Ewart *v.* Fryer [1901] 1 Ch. 499; 15 T.L.R. 145, C.A. *Applied*, Chelsea Estates Investment Trust Co. *v.* Marche [1955] Ch. 328; [1955] 2 W.L.R. 139

F. P. H. Finance Trust *v.* Inland Revenue Commissioners (No. 2) [1946] A.C. 38; 61 T.L.R. 320; [1945] 1 All E.R. 492. *Applied*, Wigram Family Settled Estates (In Liquidation) *v.* Inland Revenue Commissioners [1958] 1 W.L.R. 213, H.L.

Facchini *v.* Bryson [1952] 1 T.L.R. 1386. *Applied*, Addiscombe Garden Estates *v.* Crabbe [1958] 1 Q.B. 513; [1957] 3 W.L.R. 980, C.A.

Factor, Ex parte. *See* Rex *v.* Daily Mail (Editor).

Fairclough *v.* Whipp [1951] 2 T.L.R. 909; [1951] 2 All E.R. 834, D.C. *Applied*, Director of Public Prosecutions *v.* Rogers [1953] 1 W.L.R. 1017, D.C.

Fairclough (T. M.) & Sons *v.* Berliner [1931] 1 Ch. 60. *Applied* Gill *v.* Lewis [1956] 2 Q.B. 1; [1956] 2 W.L.R. 963, C.A.

Fairey *v.* Southampton County Council [1956] 2 W.L.R. 517; [1956] 1 All E.R. 419, D.C. *Decision of Divisional Court affirmed in part* [1956] 2 Q.B. 439; [1956] 3 W.L.R. 355, C.A.

Fairholme *v.* Firth & Brown (1933) 49 T.L.R. 470. *Considered*, British Transport Commission *v.* Gourley [1956] A.C. 185; [1956] 2 W.L.R. 42, H.L.

Fairley *v.* Fishmongers of London, 1951 S.C. (J.) 14. *Referred* to Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C.

Fairman *v.* Fairman [1949] P. 341; 65 T.L.R. 320; [1948] 1 All E.R. 938, D.C. *Considered*, Galler *v.* Galler [1954] P. 252; [1954] 2 W.L.R. 395, C.A.

Fairman *v.* Perpetual Investment Building Society [1923] A.C. 74; 39 T.L.R. 54, H.L. *Considered*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

Falkiner, In re, Mead *v.* Smith, [1924] 1 Ch. 88. *Followed*, In re Stirling, decd., Union Bank of Scotland *v.* Stirling [1954] 1 W.L.R. 763

Falmouth Boat Construction Co. Ltd. *v.* Howell [1950] 2 K.B. 16; 66 T.L.R. (Pt. 1) 487; [1950] 1 All E.R. 538, C.A. *Affirmed*, [1951] A.C. 837; [1951] 2 T.L.R. 151; [1951] 2 All E.R. 278, H.L.

Fanfold's Application, In re (1928) 45 R.P.C. 325, C.A. *Referred to*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Fanshaw *v.* Knowles [1916] 2 K.B. 538, C.A. *Approved*, Hawksley *v.* Fewtrell [1954] 1 Q.B. 228; [1953] 3 W.L.R. 1070, C.A.

Faraker, In re, Faraker *v.* Durell [1912] 2 Ch. 488, C.A. *Applied*, Hutchinson's Will Trusts, In re, Gibbons *v.* Nottingham Area No. 1 Hospital Management [1953] Ch. 387; [1953] 2 W.L.R. 872. *Referred to*, In re Bagshaw, decd., [1954] 1 W.L.R. 238

Farbenindustrie Aktiengesellschaft (I. G.) and Bayer Products Ltd.'s Agreement, In re [1941] Ch. 147; 58 R.P.C. 31, at pp. 38, 55. *Considered*, Novello & Co. Ltd. *v.* Hinrichsen Edition Ltd. [1951] Ch. 1026; [1951] 2 T.L.R. 645; [1951] 2 All E.R. 457, C.A.

Farley *v.* Westminster Bank [1939] A.C. 430; 55 T.L.R. 943; [1939] All E.R. 491, H.L. *Considered*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 3 W.L.R. 135, C.A., sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L. *Distinguished*, In re Rumball, decd., Sherlock *v.* Allan [1956] Ch. 105; [1955] 1 W.L.R. 1037, C.A.

Farquharson Bros. *v.* King & Co. [1902] A.C. 325; 18 T.L.R. 665, H.L. *Considered*, Central Newbury Car Auctions *v.* Unity Finance [1957] 1 Q.B. 371; [1956] 3 W.L.R. 1069, C.A.

Farr (A. E.) Ltd. *v.* Admiralty [1953] 1 W.L.R. 965; [1953] 2 All E.R. 512. *Applied*, Akerib *v.* Booth and Others Ltd. [1960] 1 W.L.R. 454

Farrell *v.* John Mowlem & Co. [1954] 1 Lloyd's Rep. 437. *Applied*, Trevett *v.* Lee [1955] 1 W.L.R. 114, C.A.

Fattorini (Thomas) (Lancashire) *v.* Inland Revenue Commissioners [1942] A.C. 643; [1942] 1 All E.R. 619, H.L. *Followed*, A. & J. Mucklow *v.* Inland Revenue Commissioners [1954] Ch. 615; [1954] 3 W.L.R. 129, C.A. *Applied*, Inland Revenue Commissioners *v.* Wood Bros. (Birkenhead) (In Liquidation) [1957] 3 W.L.R. 714, C.A.; [1959] A.C. 487; [1959] 2 W.L.R. 47, H.L.

Faulkner *v.* Faulkner (1941) 57 T.L.R. 628; [1941] 2 All E.R. 748. *Applied*, Russell *v.* Russell and Roebuck [1957] P. 375; [1957] 2 W.L.R. 898. *Considered*, Blacker *v.* Blacker [1960] P. 146; [1960] 2 W.L.R. 800, 804

Faulkner *v.* Hythe Corporation [1927] 1 K.B. 532; 43 T.L.R. 55. *Considered*, R. & T. Glynn Evans *v.* Liverpool Corporation [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749, D.C.

Favard *v.* Favard (1896) 75 L.T. 664. *Considered*, Bernstein *v.* Bernstein [1960] Ch. 128; [1959] 3 W.L.R. 481

Fawcett *v.* Star Car Sales Ltd. [1960] N.Z.L.R. 406. *Considered*, Ingram *v.* Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504

Fawcett Properties *v.* Buckingham County Council [1958] 1 W.L.R. 1161; [1958] 3 All E.R. 521. *Decision of the Court of Appeal affirmed* [1959] Ch. 543; [1960] 3 W.L.R. 831

Featherstone, In re (1953) 37 Cr.App.R. 146. *Considered*, In re Wring; In re Cook (Practice Note) [1960] 1 W.L.R. 138

Featherstonhaugh *v.* Fenwick (1810) 17 Ves. 298. *Considered*, Gordon *v.* Gonda [1955] 1 W.L.R. 885, C.A.

Fehmarn, The (Cargo Lately Laden on Board) (owners) *v.* Fehmarn (owners), The Fehmarn [1957] 1 W.L.R. 815; sub nom. Fehmarn, The [1957] 2 All E.R. 707. *Decision of Willmer J. affirmed* [1958] 1 W.L.R. 159, C.A.

Feilden *v.* Byrne [1926] Ch. 620. *Considered*, Richardson *v.* Jackson [1954] 1 W.L.R. 447

Feist *v.* Société Intercommunale Belge D'Electricité [1934] A.C. 161; 50 T.L.R. 143. *Applied*, Tresder-Griffin *v.* Co-operative Insurance Society [1955] 3 W.L.R. 996; *distinguished* [1956] 2 Q.B. 127; [1956] 2 W.L.R. 867, C.A.

Felix Hadley & Co. *v.* Hadley [1898] 2 Ch. 680. *Distinguished*, In re Hone. Ex parte The Trustee *v.* Kensington Borough Council [1951] Ch. 85; 66 T.L.R. (Pt. 2) 350; [1950] 2 All E.R 716

Fell *v.* Biddolph (1875) L.R. 10 C.P. 701. *Applied*, In re Peacock, decd. [1957] Ch. 310; [1957] 3 W.L.R. 793

Fender *v.* St. John-Mildmay [1938] A.C. 1; 53 T.L.R. 885, sub nom., Fender *v.* Mildmay [1937] 3 All E.R. 402. *Distinguished*, W. *v.* W. (No. 2) [1954] P. 486; [1954] 3 W.L.R. 381, C.A.

Fenton, In re, Ex parte Fenton Textile Association [1931] 1 Ch. 85; 46 T.L.R. 478, C.A. *Applied*. In re A. Debtor (No. 66 of 1955) [1956] 1 W.L.R. 481; The Liverpool (No. 2) [1960] 3 W.L.R. 597; *distinguished but reasoning applied* [1956] 1 W.L.R. 1227, C.A.

Fenton *v.* Fenton [1957] V.L.R. 17. *Not followed*, Manning *v.* Manning [1958] P. 112; [1958] 2 W.L.R. 318

Ferens *v.* O'Brien (1883) 11 Q.B.D. 21. *Applied*, Longhurst *v.* Guildford, Godalming and District Water Board [1960] 2 Q.B. 265; [1960] 2 W.L.R. 383

Fernando *v.* Marsal Appu (1922) 23 N.L.R. 370. *Not followed*, Adamjie *v.* Sadeen [1957] A.C. 94; [1957] 2 W.L.R. 68, P.C.

Ferris *v.* Weaven [1952] W.N. 318; [1952] 2 All E.R. 233. *Applied*, Street *v.* Denham [1954] 1 W.L.R. 624

Fibrosa Spolka Akcyjna *v.* Fairbairn Lawson Combe Barbour [1943] A.C. 32; 58 T.L.R. 308; [1942] 2 All E.R. 122, H.L. *Considered*, Arab Bank *v.* Barclays Bank (Dominion, Colonial and Overseas) [1953] 2 Q.B. 527; [1953] 3 W.L.R. 67, C.A.; Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127

Field *v.* Metropolitan Police Receiver [1907] 2 K.B. 853, D.C. *Considered*, Reg. *v.* Sharp [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472, C.C.A.

Fielding *v.* Preston (1857) 1 De G. & J. 438. *Followed*, In re Cohen, decd. [1960] Ch. 179; [1959] 3 W.L.R. 916

Filburn *v.* People's Palace & Aquarium Co. Ltd. (1890) 25 Q.B.D. 258; 6 T.L.R. 402, C.A. *Followed*, Behrens *v.* Bertram Mills Circus Ltd. [1957] 2 Q.B. 1; [1957] 2 W.L.R. 405

Findlay *v.* Railway Executive [1950] W.N. 570; 66 T.L.R. (Pt. 2) 836; [1950] 2 All E.R. 969. *Applied*, Wagman *v.* Vare Motors [1959] 1 W.L.R. 853, C.A.

Finlay (James) & Co. *v.* Kwik Hoo Tong H.M. [1929] 1 K.B. 400; 45 T.L.R. 149. *Applied*, Kwei Tek Chao *v.* British Traders and Shippers [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365

Finn *v.* Kerslake [1931] A.C. 446, 485; 47 T.L.R. 308, H.L. *Distinguished*, Almond *v.* Heathfield Laundry (Birmingham) Ltd. [1960] 1 W.L.R. 1339

Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015; [1953] 1 All E.R. 1130, C.A. *Distinguished*, Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445, C.A.

Finney *v.* Finney (1868) L.R. 1 P. & D. 483. *Approved and distinguished*, Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 139, C.A.

Firestone Tire and Rubber Co. (S.S.) *v.* Singapore Harbour Board [1952] A.C. 452; [1952] 1 T.L.R. 1625; [1952] 2 All E.R. 219. *Applied*, Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 1 W.L.R. 426

Firestone Tyre and Rubber Co. *v.* Lewellin [1956] 1 W.L.R. 352; [1956] 1 All E.R. 693, C.A. *Decision of the Court of Appeal affirmed* [1957] 1 W.L.R. 465, H.L.

Firth *v.* Staines [1897] 2 Q.B. 70. *Applied*, Boston Deep Sea Fishing and Ice Co. *v.* Farnham (Inspector of Taxes) [1957] 1 W.L.R. 1052

Fishburn *v.* Fishburn [1955] P. 29; [1955] 2 W.L.R. 236; [1955] 1 All E.R. 230. *Distinguished*, Bevan *v.* Bevan [1955] 1 W.L.R. 1142. *Criticised and distinguished*, Beigan *v.* Beigan [1956] P. 313; [1956] 3 W.L.R. 282, C.A.

Fisher *v.* Ruislip-Northwood Urban District Council & Middlesex County Council [1945] K.B. 584; 62 T.L.R. 1; [1945] 2 All E.R. 458, C.A. *Considered*, Baxter *v.* Stockton-on-Tees Corporation [1959] 1 Q.B. 441; [1958] 3 W.L.R. 275, C.A.

Fisher *v.* Taylor's Furnishing Stores [1956] 2 Q.B. 78; [1956] 2 W.L.R. 985; [1956] 2 All E.R. 78, C.A. *Considered and applied*, Betty's Cafés *v.* Phillips Furnishing Stores [1956] 1 W.L.R. 678. *Approved*, Betty's Cafés *v.* Phillips Furnishing Stores [1959] A.C. 20; [1958] 2 W.L.R. 513, H.L. *Followed*, Craddock *v.* Hampshire County Council [1958] 1 W.L.R. 202, C.A. *Considered*, Nursey *v.* P. Currie (Dartford) [1959] 1 W.L.R. 273, C.A.

Fisher *v.* Winch [1939] 1 K.B. 666; 55 T.L.R. 553; [1939] 2 All E.R. 144, C.A. *Applied*, Davey *v.* Harrow Corporation [1958] 1 Q.B. 60; [1957] 2 W.L.R. 941, C.A.

Fishwick *v.* Gyani [1925] 1 K.B. 617; 41 T.L.R. 253. *Considered*, Leach *v.* Litchfield [1960] 1 W.L.R. 1392

Fitzgerald *v.* "Lona" S.S. (Owners) (1932) 148 L.T. 166. *Applied*, S.A. Maritime et Commerciale of Geneva *v.* Anglo-Iranian Oil Co. [1953] 1 W.L.R. 1379

Fitzwilliam (Earl) *v.* Inland Revenue Commissioners [1914] A.C. 753. *Applied*, Personal Representatives of Tull, decd. *v.* Secretary of State for Air [1957] 1 Q.B. 523; [1957] 2 W.L.R. 346, C.A.

Flanagan *v.* Fahy [1918] I.R. 2 K.B. 361. *Considered*, Fox *v.* General Medical Council [1960] 1 W.L.R. 1017

Fleetwood, In re (1880) 15 Ch.D. 594. *Not followed*, In re Young, decd. [1951] Ch. 344; [1951] 1 T.L.R. 262; [1950] 2 All E.R. 1245

Fleming *v.* Burrows (1826) 1 Russ. 276. *Followed*, In re Brace, Gurton *v.* Clements [1954] 1 W.L.R. 955

Fletcher, In re, Barclays Bank *v.* Ewing [1949] Ch. 473; [1949] 1 All E.R. 732. *Applied*, Gilpin, In re, Hutchinson *v.* Gilpin [1954] Ch. 1; [1953] 3 W.L.R. 746. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097. *Approved*, In re Marshall, decd., Barclays Bank *v.* Marshall [1957] Ch. 263; [1957] 3 W.L.R. 539

Fletcher *v.* Bulawayo Waterworks Co. Ltd. [1915] S.A.L.R., A.D. 636. *Applied*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Fletcher *v.* Rylands (1866) L.R. 1 Exch. 265, Ex.Ch. *Applied*, Southport Corporation *v.* Esso Petroleum Co. [1953] 3 W.L.R. 773. *Dictum of Blackburn J. applied*, Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Flinn, In re, Public Trustee *v.* Griffin [1948] Ch. 241; 64 T.L.R. 203; [1948] 1 All E.R. 541. *Distinguished*, In re Spensley's Will Trusts [1954] Ch. 233; [1954] 2 W.L.R. 145, C.A. *Followed*, In re Rumball, decd. Sherlock *v.* Allan [1956] Ch. 105; [1955] 1 W.L.R. 1037, C.A. *Distinguished*, In re Endacott, decd., Corpe *v.* Endacott [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Flint *v.* Pike (1825) 4 B. & C. 473; 6 Dow. & Ry.K.B. 528. *Not followed*, Burnett & Hallamshire Fuel Ltd. *v.* Sheffield Telegraph & Star Ltd. [1960] 1 W.L.R. 502

Flower's Settlement Trusts, In re [1957] 1 W.L.R. 401; [1957] 1 All E.R. 462. *Applied*, In re Taylor, decd. Lloyds Bank *v.* Jones [1957] 1 W.L.R. 1043. *Applied*, In re Young's Settlement Trust. Royal Exchange Assurance *v.* Taylor-Young [1959] 1 W.L.R. 457

Floyd, In re [1897] 1 Ch. 633. *Considered*, King *v.* Cave-Browne-Cave [1960] 2 Q.B. 222; [1960] 3 W.L.R. 204

Foale *v.* Gillians. *See* In re Moon's Will Trusts.

Foley *v.* Classique Coaches [1934] 2 K.B. 1, C.A. *Applied*, National Coal Board *v.* Galley [1958] 1 W.L.R. 17, C.A.

Foley's Charity Trustees *v.* Dudley Corporation [1910] 1 K.B. 317, C.A. *Considered*, Tithe Redemption Commission *v.* Runcorn Urban District Council [1953] 3 W.L.R. 845; [1954] Ch. 383; [1954] 2 W.L.R. 518, C.A.

Folkes *v.* King [1923] 1 K.B. 282; 39 T.L.R. 77; C.A. *Considered*, Pearson *v.* Rose & Young Ltd. [1951] 1 K.B. 275; 66 T.L.R. (Pt. 2) 886; [1950] 2 All E.R. 1027, C.A.

Follett, In re, Barclays Bank *v.* Dovell [1954] 1 W.L.R. 1430; [1954] 3 All E.R. 478. *Reversed*, [1955] 1 W.L.R. 429; [1955] 2 All E.R. 22, C.A. *Distinguished*, In re Cory, decd., Cory *v.* Morel [1955] 1 W.L.R. 725. *Applied*, In re Bacharach's Will Trusts [1959] Ch. 245; [1959] 2 W.L.R. 1

Fomento (Sterling Area) *v.* Selsdon Fountain Pen Co. [1956] R.P.C. 344. *Decision of the Court of Appeal reversed in part and affirmed in part* [1958] 1 W.L.R. 46, H.L.

Food Controller *v.* Cork [1923] A.C. 647; 39 T.L.R. 699, H.L. *Applied*, In re Azoff-Don Commercial Bank [1954] Ch. 315; [1954] 2 W.L.R. 654; Tursi *v.* Tursi [1958] P. 54; [1957] 3 W.L.R. 574

Forbes *v.* Forbes (No. 2) [1956] P. 16; [1955] 1 W.L.R. 531; [1955] 2 All E.R. 311. *Applied*, Ward *v.* Ward [1958] 1 W.L.R. 693

Forbes *v.* Rengasamy (1940) 41 C.N.L.R. 294. *Distinguished*, Selvanayagam *v.* The King [1951] A.C. 83, P.C.

Forbes *v.* Scottish Provident Institution (1895) 3 T.C. 443. *Considered*, Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A.

Forbes's Trustees *v.* Inland Revenue Comrs. [1958] T.R. 7, 12; S.C. 177; 38 T.C. 12. *Overruled*, Abbott *v.* Philbin [1960] Ch. 27; [1960] 3 W.L.R. 255

Forbes-Smith *v.* Forbes-Smith and Chadwick [1901] P. 258; 17 T.L.R. 587. *Applied*, John Fairfax & Son Pty. *v.* E. C. de Witt & Co. (Australia) Proprietary [1958] 1 Q.B. 323; [1957] 3 W.L.R. 877, C.A.

Ford *v.* Batley (1853) 17 Beav. 303. *Applied*, Westminster Bank *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 242

Ford *v.* Cotesworth (1868) L.R. 4 Q.B. 127, 134. *Dicta of Lord Blackburn considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Forsaith, In re (1926) 26 N.S.W.S.R. 613. *Overruled*, Dun *v.* Dun [1959] A.C. 272; [1959] 2 W.L.R. 554, P.C.

Forslind *v.* Becheley-Crundall, 1922 S.C.(H.L.) 173. *Applied*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 715

Forsyth *v.* Forsyth [1948] P. 125, 132; 64 T.L.R. 17; [1947] 2 All E.R. 623, C.A. *Distinguished*, In re Dulles Settlement [1951] Ch. 265; 66 T.L.R. 1028; [1950] 2 All E.R. 1013, C.A.

Foss *v.* Harbottle (1843) 2 Hare, 461. *Referred to*, Pavlides *v.* Jensen [1956] Ch. 565; [1956] 3 W.L.R. 224

Foster *v.* Driscoll [1929] 1 K.B. 470; 45 T.L.R. 185, C.A. *Applied*, Regazzoni *v.* K. C. Sethia (1944) [1956] 2 Q.B. 490; [1956] 2 W.L.R. 204; [1956] 3 W.L.R. 79, C.A.; [1958] A.C. 301; [1957] 3 W.L.R. 752, H.L.

Foster *v.* Foster [1954] P. 67; [1953] 3 W.L.R. 623; [1953] 2 All E.R. 518. *Distinguished*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659. *Applied*, Cooper *v.* Cooper (No. 2) [1955] P. 168; [1954] 3 W.L.R. 923, D.C.

Foster *v.* Great Western Railway Co. (1882) 8 Q.B.D. 515, C.A. *Doubted*, Smeaton Hanscomb & Co. *v.* Sassoon I. Setty, Son & Co. (No. 2) [1953] 1 W.L.R. 1481. *Distinguished*, Ottway *v.* Jones [1955] 1 W.L.R. 707, C.A.

Foster *v.* Reeves [1892] 2 Q.B. 255. *Distinguished*, Cornish *v.* Brook Green Laundry [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215, C.A.

Foster *v.* Robinson [1951] 1 K.B. 149; 66 T.L.R. (Pt. 2) 120; [1950] 2 All E.R. 342, C.A. *Explained*, Vaughan *v.* Vaughan [1953] 1 Q.B. 762; [1953] 1 W.L.R. 236, C.A. *Applied*, Collins *v.* Claughton [1959] 1 W.L.R. 145, C.A.

Foulsham *v.* Pickles [1925] A.C. 458; 41 T.L.R. 323, H.L. *Approved*, Bray *v.* Colenbrander [1953] A.C. 503; [1953] 2 W.L.R. 927. *Applied*, Thomson (Inspector of Taxes) *v.* Moyse [1958] 1 W.L.R. 1063; [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A. *Considered*, [1960] 3 W.L.R. 929

Foundling Hospital (Governors and Guardians) *v.* Crane [1911] 2 K.B. 367, 374–375, C.A. *Applied*, Windsor Refrigerator Co. Ltd. *v.* Branch Nominees Ltd. [1961] Ch. 88; [1960] 3 W.L.R. 108

Four-Maids Ltd. *v.* Dudley Marshall (Properties) Ltd. [1957] Ch. 317; [1957] 2 W.L.R. 931; [1957] 2 All E.R. 35. *Not followed*, Braithwaite *v.* Winwood [1960] 1 W.L.R. 1257

Fowle *v.* Bell [1947] K.B. 242; 62 T.L.R. 711; [1946] 2 All E.R. 668, C.A. *Applied*, Newton *v.* Biggs [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203, C.A. *Considered*, Wright *v.* Walford [1955] 1 Q.B. 363; [1955] 2 W.L.R. 198, C.A.

Fowler, Ex parte. *See* In re Wilkinson.

Fowler *v.* Commercial Timber Co. Ltd. [1930] 2 K.B. 1, C.A. *Considered*, Lee *v.* Lee's Air Farming Ltd. [1961] A.C. 12; [1960] 3 W.L.R. 758

Fox *v.* Jolly [1916] 1 A.C. 1; 31 T.L.R. 579, H.L. *Dictum of Lord Buckmaster L.C. applied*, Silvester *v.* Ostrowska [1959] 1 W.L.R. 1060

Fox's Estate, In re [1937] 4 All E.R. 664, C.A. *Distinguished*, In re Bailey. Barrett *v.* Hyder [1951] Ch. 407; [1951] 1 All E.R. 391, C.A.

Frampton *v.* Frampton [1951] W.N. 250. *Explained*, Sullivan *v.* Sullivan [1956] 1 W.L.R. 277n., D.C.

France *v.* Dutton [1891] 2 Q.B. 208. *Applied*, London County Council *v.* Agricultural Food Products, Same *v.* Vitamins [1955] 2 Q.B. 218; [1955] 2 W.L.R. 926, C.A.

France, Fenwick & Co. *v.* Spackman (Philip) & Sons (1912) 18 Com.Cas. 52. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Francesco *v.* Costa (1889) 48 S.C.C. 189. *Applied*, Abeyawardene *v.* West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C.

Francis *v.* Yiewsley and West Drayton Urban District Council [1958] 1 Q.B. 478; [1957] 3 W.L.R. 919; [1957] 3 All E.R. 529, C.A.; affirming [1957] 2 Q.B. 136; [1957] 2 W.L.R. 627; [1957] 1 All E.R. 825. *Decision of McNair J. applied*, Pyx Granite Co. *v.* Ministry of Housing and Local Government [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371, C.A.; [1959] 3 W.L.R. 346, H.L. *Applied*, Cater *v.* Essex County Council [1960] 1 Q.B. 424; [1959] 2 W.L.R. 739, D.C.

Frank *v.* Frank [1951] W.N. 276; [1951] 2 T.L.R. 38. *Reversed* [1951] P. 430; [1951] 2 T.L.R. 404; [1951] 2 All E.R. 503, C.A.; *Distinguished*, Charlton *v.* Charlton [1955] 1 W.L.R. 675, C.A.

Frankfurther *v.* Exner (W. L.) Ltd. [1947] Ch. 629. *Followed*, Novello & Co. Ltd. *v.* Hinrichsen Edition Ltd. [1951] Ch. 595; [1951] 1 All E.R. 779

Franklin *v.* Gramophone Co. [1948] 1 K.B. 542; 64 T.L.R. 186; [1948] 1 All E.R. 353, C.A. *Considered*, Chipchase *v.* British Titan Products Co. [1956] 1 Q.B. 545; [1956] 2 W.L.R. 678, C.A. *Dictum of Somervell L.J. considered*, Quinn *v.* Horsfall & Bickham [1956] 1 W.L.R. 653, C.A.

Franks, In re, Franks *v.* Franks [1948] Ch. 62; 63 T.L.R. 583; [1947] 2 All E.R. 638. *Distinguished*, In re Doring. Doring *v.* Clark [1955] 1 W.L.R. 1217

Frape, In re [1893] 2 Ch. 284, C.A. *Applied*, Rutter *v.* Sheridan-Young [1958] 1 W.L.R. 444, C.A.

Fraser, In re (1883) 22 Ch.D. 827. *Applied*, In re Lewis, decd., Public Trustee *v.* Allen [1955] Ch. 104; [1954] 3 W.L.R. 610

Fraser, In re. Ind *v.* Fraser [1913] 2 Ch. 224. *Distinguished*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285. *Applied*, In re Rydon's Settlement. Barclays Bank *v.* Everitt [1955] Ch. 1; [1954] 3 W.L.R. 480, C.A.

Fraser *v.* Cooper-Hall (1883) 23 Ch.D. 685. *Distinguished*, Pike *v.* Nairn & Co. Ltd. [1960] Ch. 553; [1960] 2 W.L.R. 897, 901

Frazer, In re [1941] Ch. 326; [1941] 2 All E.R. 155. *Considered*, In re Cunliffe-Owen, decd. [1951] Ch. 964; [1951] 1 T.L.R. 1073; [1951] 2 All E.R. 220

Freeman, In re [1910] 1 Ch. 681, C.A. *Followed*, In re Wray, decd. [1951] Ch. 425; [1951] 1 All E.R. 375, C.A.

Freeman *v.* Pope (1870) 5 Ch.App. 538. *Dictum of Lord Hatherley L.C. applied*, In re Eichholz, decd. Eichholz's Trustee *v.* Eichholz [1959] Ch. 708; [1959] 2 W.L.R. 200

Freeman's Settlement Trusts, In re (1887) 37 Ch.D. 148. *Applied*, Masters, decd., In re [1953] 1 W.L.R. 81

Freeth *v.* Burr (1874) L.R. 9 C.P. 208. *Followed*, Shaffer (James) *v.* Findlay Durham and Brodie [1953] 1 W.L.R. 106, C.A.

French Protestant Hospital, In re [1951] Ch. 567; [1951] 1 T.L.R. 785; [1951] 1 All E.R. 938. *Applied*, Abbey Malvern Wells Ltd. *v.* Ministry of Local Government and Planning [1951] Ch. 728; [1951] 1 T.L.R. 1050; [1951] 2 All E.R. 154

Frenkel *v.* MacAndrews & Co. [1929] A.C. 545; 45 T.L.R. 311, H.L. *Applied*, G. H. Renton & Co. *v.* Palmyra Trading Corporation of Panama [1955] 3 W.L.R. 535

Freston, In re (1883) 11 Q.B.D. 545. *Considered*, In re Hunt [1959] 2 Q.B. 69; [1959] 2 W.L.R. 686, C.A.

Fribance *v.* Fribance (No. 2) [1957] 1 W.L.R. 384; [1957] 1 All E.R. 357. *Distinguished*, Silver *v.* Silver [1958] 1 W.L.R. 259, C.A.

Friedeberg, The (1885) 10 P.D. 112, C.A. *Applied*, Nicholson *v.* Little [1955] 1 W.L.R. 830, C.A.

Friends Provident and Century Life Office *v.* Investment Trust Corporation [1951] 2 All E.R. 632, H.L. *Referred to*, Godfrey Phillips *v.* Investment Trust Corporation [1953] Ch. 449; [1953] 1 W.L.R. 41

Friend's Settlement, In re [1906] 1 Ch. 47. *Considered*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Friesland, The [1904] P. 345; 20 T.L.R. 699. *Discussed*, The Kirknes [1957] P. 51; [1957] 2 W.L.R. 21

Frost *v.* Frost [1953] 1 W.L.R. 52; [1952] 2 All E.R. 1125. *Considered*, Page *v.* Page, Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432, C.A.

Frost *v.* Summers (John) & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794; [1954] 1 All E.R. 901, C.A. *Affirmed*, John Summers & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L.

Fry *v.* Burma Corporation [1930] A.C. 321, H.L. *Applied*, Boarland (Inspector of Taxes) *v.* Madras Electric Supply Corporation [1953] 1 W.L.R. 920

Fry *v.* I. R. C. [1958] 2 W.L.R. 673; [1958] 1 All E.R. 819. *Decision of Danckwerts J. reversed*, [1959] Ch. 86; [1958] 3 W.L.R. 381, C.A.

Fry *v.* Salisbury House Estate Ltd. [1930] A.C. 432; 46 T.L.R. 336, 358, H.L. *Considered*, Mitchell and Edon *v.* Ross [1960] Ch. 498; [1960] 2 W.L.R. 766

Fullers *v.* Squire [1901] 2 K.B. 209, D.C. *Distinguished*, Wilson Brothers *v.* Edwards (Valuation Officer); Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1958] 1 W.L.R. 955, C.A.

Fulton *v.* Andrew (1875) L.R. 7 H.L. 448. *Applied*, In re R., decd. [1951] P. 10; 66 T.L.R. (Pt. 2) 26; [1950] 2 All E.R. 117

Fung Kai Sun *v.* Chan Fui Hing (1949) 33 H.K.L.R. 142. *Affirmed* [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C.

Furber *v.* Fieldings Ltd. (1907) 23 T.L.R. 362. *Approved*, Official Assignee of Khoon *v.* Ek Liong Hin Ltd. [1960] A.C. 178; [1960] 2 W.L.R. 250

Furness, In re, Wilson *v.* Kenmare [1944] 1 All E.R. 575, C.A. *Applied*, Bevan *v.* Bevan [1955] 2 Q.B. 227; [1955] 2 W.L.R. 949

Fussell *v.* Dowding (1884) 27 Ch.D. 237. *Dicta of Chitty J. applied*, In re Tate's Will Trusts. Public Trustee *v.* Tate [1959] Ch. 615; [1959] 2 W.L.R. 849

G. *v.* G. (1871) L.R. 2 P. & D. 287. *Applied*, S. *v.* S. (orse. C.) [1955] 2 W.L.R. 246; M. *v.* M. (orse. B.) [1956] 3 W.L.R. 975. *Dictum of Lord Penzance applied*, B. (orse. S.) *v.* B. [1958] 1 W.L.R. 619

G. *v.* G. (orse. K.) (1908) 25 T.L.R. 328, C.A. *Distinguished*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

G. *v.* M. (1885) 10 App.Cas. 171; sub nom. Gordon *v.* Merricks, 1 T.L.R. 326, H.L. *Followed*, Slater *v.* Slater [1953] P. 235; [1953] 2 W.L.R. 170, C.A. Tindall *v.* Tindall [1953] P. 63; [1953] 2 W.L.R. 158, C.A. Morgan *v.* Morgan (orse. Ransom) [1959] P. 92; [1959] 2 W.L.R. 487. *Applied*, G. *v.* G. (orse. H.) [1960] 3 W.L.R. 648. *Considered*, Bullock *v.* Bullock [1960] 1 W.L.R. 975

Gadd *v.* Houghton (1876) 1 Ex.D. 357, C.A. *Applied*, Lester *v.* Balfour Williamson Merchant Shippers [1953] 2 Q.B. 168; [1953] 2 W.L.R. 1068, D.C.

Gahan *v.* Chloride Batteries [1955] 1 W.L.R. 277; [1955] 1 All E.R. 633, C.A. *Affirmed*, Chloride Batteries *v.* Gahan (Inspector of Taxes) [1956] 1 W.L.R. 392, H.L.

Gaisberg *v.* Storr [1950] 1 K.B. 107; 65 T.L.R. 485; [1949] 2 All E.R. 411, C.A. *Considered*, Combe *v.* Combe [1951] 2 K.B. 215; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767, C.A.

Galashiels Gas Co. Ld. *v.* O'Donnell [1949] A.C. 275; 65 T.L.R. 76; [1949] 1 All E.R. 319, H.L. *Considered and distinguished*, Payne *v.* Weldless Steel Tube Co. Ltd. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771, C.A.

Galashiels Gas Co. Ltd. *v.* Millar [1949] A.C. 275; 65 T.L.R. 76; [1949] 1 All E.R. 319. *Considered*, Hamilton *v.* National Coal Board [1960] A.C. 633; [1960] 2 W.L.R. 313

Galbraith, in the goods of [1951] P. 422; [1951] 2 T.L.R. 412; [1951] 2 All E.R. 470n. *Distinguished*, In the estate of Cope, decd. [1954] 1 W.L.R. 608

Galletly *v.* Laird, McGowan *v.* Robertson, 1953 S.C.(J) 16. *Adopted and applied* R. *v.* Reiter [1954] 2 Q.B. 16; [1954] 2 W.L.R. 638, C.C.A.

Galloway *v.* Galloway [1954] P. 312; [1954] 2 W.L.R. 980; [1954] 2 All E.R. 143, C.A. *Reversed*, [1956] A.C. 299; [1955] 3 W.L.R. 723; [1955] 3 All E.R. 429, H.L.; *distinguished*, Bryant *v.* Bryant [1955] P. 164; [1955] 2 W.L.R. 922, C.A. *Applied*, In re C. T. (An Infant) [1957] Ch. 48; [1956] 3 W.L.R. 827

Gammans *v.* Ekins [1950] 2 K.B. 328; 66 T.L.R. (Pt. 1) 1139; [1950] 2 All E.R. 140, C.A. *Applied*, Langdon *v.* Horton [1951] 1 K.B. 666; [1951] 1 T.L.R. 238; [1951] 1 All E.R. 60, C.A. *Referred to*, Perry *v.* Dembowski [1951] 2 K.B. 420; [1951] 1 T.L.R. 1166; [1951] 2 All E.R. 50, C.A.

Gann *v.* Free Fishers of Whitstable (1865) 11 H.L.Cas. 192, H.L. *Applied*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Gansloser's Will Trusts, In re [1952] Ch. 30; [1951] 2 All E.R. 936. *Applied*, In re Kilvert, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

Gaon (Albert D.) & Co. *v.* Société Interprofessionelle des Oléagineux Fluides Alimentaires [1960] 2 W.L.R. 869; [1960] 2 All E.R. 160, C.A.; [1959] 3 W.L.R. 622; [1959] 2 All E.R. 693. *Distinguished*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701; [1960] 2 All E.R. 529. *Decision of Ashworth J. affirmed* [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869, 886

Gardiner *v.* Sevenoaks Rural District Council, 66 T.L.R. (Pt. 1) 1091; [1950] 2 All E.R. 84. *Considered*, M. & J. S. Properties *v.* White [1959] 2 Q.B. 25; [1959] 2 W.L.R. 525, C.A.

Gardner, In re [1920] 2 Ch. 523; 36 T.L.R. 784. *Applied*, In re Young, decd. [1951] Ch. 344; [1951] 1 T.L.R. 262; [1950] 2 All E.R. 1245

Gardner *v.* Akeroyd [1952] 2 Q.B. 743, 750; [1952] 2 T.L.R. 169; [1952] 2 All E.R. 306, D.C. *Explained*, Hope *v.* Brown [1954] 1 W.L.R. 250, D.C.

Garforth-Bles *v.* Garforth-Bles [1951] P. 218; [1951] 1 T.L.R. 449; [1951] 1 All E.R. 308. *Distinguished*, Best *v.* Best [1956] P. 76; [1955] 3 W.L.R. 335

Garland, Ex parte (1804) 10 Ves. 110. *Considered*, In re Meade (A Bankrupt) [1951] Ch. 774; [1951] 2 T.L.R. 111; [1951] 2 All E.R. 168, D.C.

Garrard, In re, Gordon *v.* Craigie [1907] 1 Ch. 382; 23 T.L.R. 256. *Followed*, In re, Rumball, decd. Sherlock *v.* Allan [1955] 1 W.L.R. 1037. *Distinguished*, In re Endacott, decd. [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Garvin *v.* City of London Police Authority [1944] K.B. 358; 60 T.L.R. 207; [1944] 1 All E.R. 378, P.C. *Considered*, Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 673, C.A.

Gascoigne *v.* Gascoigne [1918] 1 K.B. 223; 34 T.L.R. 168. *Applied*, In re Emery's Investments Trusts [1959] Ch. 410; [1959] 2 W.L.R. 461

Gaskell & Chambers *v.* Hudson, Dodsworth & Co. [1936] 2 K.B. 595, D.C. *Distinguished*, Alliance Perpetual Building Society *v.* Belrum Investments [1957] 1 W.L.R. 721. *Considered*, Carl-Zeiss-Stiftung *v.* Rayner and Keeler Ltd. [1960] 1 W.L.R. 1145

Gaskill *v.* Gaskill [1921] P. 425; 38 T.L.R. 1. *Considered and explained*, Preston-Jones *v.* Preston-Jones [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124, H.L.

Gateshead Union *v.* Durham County Council [1918] 1 Ch. 146; 34 T.L.R. 65, C.A. *Distinguished*, Watt *v.* Kesteren County Council [1955] 1 Q.B. 408; [1955] 2 W.L.R. 499, C.A.

Gatehouse *v.* Vise [1956] 1 W.L.R. 1509; [1956] 3 All E.R. 772. *Decision of Danckwerts J. affirmed* [1957] Ch. 367; [1957] 2 W.L.R. 673, C.A.

Gatty and Gatty *v.* Attorney-General [1951] P. 444; [1951] 2 T.L.R. 599. *Followed*, Travers *v.* Holley [1953] P. 246; [1953] 3 W.L.R. 507, C.A.

Gautret *v.* Egerton (1867) L.R. 2 C.P. 371. *Considered*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

Gavazzi *v.* Mace (1926) 42 T.L.R. 389. *Applied*, Boston Deep Sea Fishing and Ice Co. *v.* Farnham (Inspector of Taxes) [1957] 1 W.L.R. 1052

Geach *v.* Ingall (1845) 14 M. & W. 95. *Explained*, Bond Air Services *v.* Hill [1955] 2 Q.B. 417; [1955] 2 W.L.R. 1194

Geipel *v.* Smith (1872) L.R. 7 Q.B. 404. *Considered*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714

General Cleaning Contractors *v.* Christmas [1953] A.C. 180; [1953] 2 W.L.R. 6; [1952] 2 All E.R. 1110, H.L. *Distinguished* and *Observations of Lord Oaksey and Lord Tucker applied*, Drummond *v.* British Building Cleaners [1954] 1 W.L.R. 501, 1434, C.A. *Discussed*, Wilson *v.* Tyneside Window Cleaning Co. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900, C.A. *Applied*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

General Medical Council *v.* Inland Revenue Commissioners (1928) 97 L.J.K.B. 578; 44 T.L.R. 439, C.A. *Followed*, General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1958] Ch. 421; [1957] 3 W.L.R. 1039. *Approved*, General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1959] A.C. 540; [1959] 2 W.L.R. 308, H.L.

General Medical Council *v.* Spackman [1943] A.C. 627; 59 T.L.R. 412; [1943] 2 All E.R. 337, H.L. *Observations applicable*, Ong Bak Hin *v.* General Medical Council [1956] 1 W.L.R. 515, P.C. *Dictum of Lord Atkin considered*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223, 231

General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1958] Ch. 421; [1957] 3 W.L.R. 1039; [1957] 3 All E.R. 685, C.A.; reversing [1957] 1 W.L.R. 941; [1957] 2 All E.R. 791. *Applied*, Royal College of Nursing *v.* St. Marylebone Borough Council [1959] 1 W.L.R. 1077, C.A. *Decision of Court of Appeal reversed* [1959] A.C. 540; [1959] 2 W.L.R. 308, H.L.

General Nursing Council for Scotland *v.* Inland Revenue Commissioners (1929) 14 T.C. 645. *Followed*, General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1958] Ch. 421; [1957] 3 W.L.R. 1039. *Approved*, General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1959] A.C. 540; [1959] 2 W.L.R. 308, H.L.

Geologists Association *v.* Commissioners of Inland Revenue (1928) 14 T.C. 271, C.A. *Considered*, Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 95, D.C. *Applied*, Royal College of Nursing *v.* St. Marylebone Borough Council [1959] 1 W.L.R. 1077, C.A.

George *v.* Tompson's Trustee [1949] Ch. 322; [1949] 1 All E.R. 554. *Considered*, In re Lupkovics. Ex parte The Trustee *v.* Freville [1954] 1 W.L.R. 1234

German *v.* Yates (1915) 32 T.L.R. 52. *Considered*, In re McArdle, decd. [1951] Ch. 669; [1951] 1 All E.R. 905, C.A.

Gerrard *v.* Gerrard, The Times, November 18, 1958. *Applied*, Mountbatten *v.* Mountbatten [1959] P. 43; [1959] 2 W.L.R. 128

Gestetner Settlement, In re, Barnett *v.* Blumka [1953] Ch. 672; [1953] 2 W.L.R. 1033; [1953] 1 All E.R. 1150. *Applied and considered*, Inland Revenue Commissioners *v.* Broadway Cottages Trust [1954] 1 W.L.R. 659; [1954] 3 W.L.R. 438, C.A. Fawcett Properties Ltd. *v.* Buckingham County Council [1960] 3 W.L.R. 831. *Applied*, In re Coates, decd. Ramsden *v.* Coates [1955] Ch. 20; [1954] 3 W.L.R. 959. *Distinguished*, In re Gresham's Settlement. Lloyds Bank *v.* Gresham [1955] Ch. 495; [1956] 1 W.L.R. 574. *Referred to*, In re Sayer. MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 262

Getreide-Import-Gesellschaft m.b.h. *v.* Contimar S.A. Compania Industrial Comercial y Maritima [1953] 1 W.L.R. 207; [1953] 1 All E.R. 257. *Affirmed* [1953] 1 W.L.R. 793, C.A.

Gibbon *v.* Pease [1905] 1 K.B. 810; 21 T.L.R. 365, C.A. *Distinguished*, Chantrey Martin *v.* Martin [1953] 2 Q.B. 286; [1953] 3 W.L.R. 459, C.A.

Gibbs, In re, Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1951] Ch. 933; [1951] 2 All E.R. 63. *Approved*, Cunliffe-Owen, In re, Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120, C.A.

Gibbs & Sons *v.* Société Industrielle et Commerciale des Métaux (1890) 25 Q.B.D. 399; 6 T.L.R. 393. *Distinguished*, National Bank of Greece and Athens S.A. *v.* Metliss [1958] A.C. 509; [1957] 3 W.L.R. 1057, H.L. *Applied*, In re United Railways of the Havana and Regla Warehouses [1958] Ch. 724; [1958] 2 W.L.R. 229; [1959] 2 W.L.R. 251. *Considered*, Adams *v.* National Bank of Greece, S.A. [1960] 1 Q.B. 64; [1960] 3 W.L.R. 8

Gibson *v.* South American Stores (Gath and Chaves) Ld. [1950] Ch. 177; 66 T.L.R. (Pt. 1) 83; [1949] 2 All E.R. 985, C.A. *Applied*, In re Coulthurst, decd. [1951] Ch. 193, 661; [1951] 1 T.L.R. 62, 651; [1951] 1 All E.R. 774, C.A.; In re Young, decd. Westminster Bank Ltd. *v.* Sterling [1955] 1 W.L.R. 1269; In re Cooper's Conveyance Trusts. Crewdson *v.* Bagot [1956] 1 W.L.R. 1097. *Considered*, Baker *v.* National Trust Co. [1955] A.C. 627; [1955] 3 W.L.R. 42, P.C.

Gifford *v.* Dent [1926] W.N. 336. *Applied*, Kelsen *v.* Imperial Tobacco Co. (of Great Britain and Ireland) [1957] 2 Q.B. 334; [1957] 2 W.L.R. 1007

Gilbert *v.* Endean (1878) 9 Ch.D. 259, 269, C.A. *Dicta of Cotton L.J. applied*, Rossage *v.* Rossage [1960] 1 W.L.R. 249. *Considered*, In re J. [1960] 1 W.L.R. 253

Gilbert *v.* Gilbert and Abdon (Adams intervening) [1958] P. 131; [1958] 2 W.L.R. 8; [1957] 3 All E.R. 604. *Distinguished*, Wilson *v.* Wilson [1958] 1 W.L.R. 1090

Gilbert *v.* McKay (1946) 62 T.L.R. 226; [1946] 1 All E.R. 458. *Considered*, Cogley *v.* Sherwood [1959] 2 Q.B. 311; [1959] 2 W.L.R. 781, D.C.

Gilbey *v.* Gilbey [1927] P. 197; 43 T.L.R. 283. *Considered*, Schlesinger *v.* Schlesinger [1960] P. 191; [1960] 3 W.L.R. 83

Giles *v.* Giles [1900] P. 17. *Applied*, Stanga *v.* Stanga [1954] P. 10; [1953] 3 W.L.R. 609, D.C.

Giles *v.* Giles, Penfold *v.* Penfold (1836) 1 Keen 685. *Applied*, Posner, decd., In the Estate of, Posner *v.* Miller [1953] P. 277; [1953] 2 W.L.R. 1149

Giles *v.* Randall [1915] 1 K.B. 290, C.A. *Discussed*, Morgan *v.* Carmarthen Corporation [1957] Ch. 455; [1957] 2 W.L.R. 396. *Applied* [1957] Ch. 455; [1957] 2 W.L.R. 870, C.A.

Giles *v.* Walker (1890) 24 Q.B.D. 656. *Questioned*, Davey *v.* Harrow Corporation [1958] 1 Q.B. 60; [1957] 2 W.L.R. 941, C.A.

Gilford Motor Co. *v.* Horne [1933] Ch. 935, C.A. *Distinguished*, M. & S. (A Firm) *v.* Reynolds [1957] 1 W.L.R. 10, C.A.

Gill *v.* Gill [1957] P. 151; [1956] 3 W.L.R. 695; [1956] 3 All E.R. 240. *Distinguished*, Onions *v.* Onions [1960] 1 W.L.R. 983

Gillam *v.* Taylor (1873) L.R. 16 Eq. 581. *Considered*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Gillett's Will Trusts, In re 1950] Ch. 102; 65 T.L.R. 727; [1949] 2 All E.R. 893. *Followed*, In re Midgley, decd., Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119

Gillingham Bus Disaster Fund, In re, Bowman *v.* Official Solicitor [1958] Ch. 300; [1957] 3 W.L.R. 1069; [1958] 2 All E.R. 749, C.A. *Decision of Harman J. affirmed* [1959] Ch. 62; [1958] 3 W.L.R. 325. *Applied*, In re Wragg, decd. [1959] 1 W.L.R. 922, C.A. In re Harpur's Will Trusts [1961] Ch. 38; [1960] 3 W.L.R. 607

Gillingham Corporation *v.* Kent County Council [1953] Ch. 37; [1952] 2 T.L.R. 1009; [1952] 2 All E.R. 1107. *Followed*, Healey *v.* Minister of Health [1954] 2 Q.B. 221; [1954] 3 W.L.R 222

Gillmore *v.* London County Council (1938) 55 T.L.R. 95; [1938] 4 All E.R. 331. *Test of du Parcq L.J. applied*, Bell *v.* Travco Hotels [1953] 1 Q.B. 473; [1953] 2 W.L.R. 556, C.A.

Gilmour *v.* Coats [1949] A.C. 426; 65 T.L.R. 234; [1949] 1 All E.R. 848. *Followed*, Warre's Will Trusts, In re, Wort *v.* Salisbury Diocesan Board of Finance [1953] 1 W.L.R. 725

Gilmour *v.* MacPhillamy [1930] A.C. 712, P.C. *Applied*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Gilmour Caterers *v.* St. Bartholomew's Hospital Governors [1956] 1 Q.B. 387; [1956] 2 W.L.R. 419; [1956] 1 All E.R. 314, C.A. *Distinguished*, Reohorn *v.* Barry Corporation [1956] 1 W.L.R. 846, C.A.

Ginn *v.* Robey [1911] W.N. 28. *Considered*, Gorfin *v.* Odhams Press [1958] 1 W.L.R. 314, C.A.

Girls' Public Day School Trust Ltd., In re [1951] Ch. 400. *Distinguished*, Abbey Malvern Wells Ltd. *v.* Ministry of Local Government and Planning [1951] Ch. 728; [1951] 1 T.L.R. 1050; [1951] 2 All E.R. 154

Girls' Public Day School Trust *v.* Ereaut [1931] A.C. 12; 46 T.L.R. 638, H.L. *Distinguished*, In re Girls' Public Day School Trust Ltd. Same *v.* Minister of Town and Country Planning [1951] Ch. 400

Gisborne *v.* Gisborne (1877) 2 App.Cas. 300. *Applied*, In re Steed's Will Trusts [1959] Ch. 354; [1959] 2 W.L.R. 470

Gladstone *v.* Bower [1960] 1 Q.B. 170; [1959] 3 W.L.R. 815; [1959] 3 All E.R. 475. *Decision of Diplock J. affirmed*, Gladstone *v.* Bower [1960] 1 Q.B. 170; [1960] 3 W.L.R. 575

Glamorgan Quarter Sessions *v.* Wilson [1910] 1 K.B. 725; 26 T.L.R. 351. *Applied*, Grosvenor Place Estates Ltd. *v.* Roberts [1960] Ch. 423; [1960] 2 W.L.R. 531

Glasgow Assessor *v.* Gilmartin, 1920 S.C. 488. *Applied*, London County Council *v.* Wilkins (Valuation Officer) [1957] A.C. 362; [1956] 3 W.L.R. 505, H.L.

Glasgow Corporation *v.* Farie (1888) 13 App.Cas. 657; 4 T.L.R. 781, H.L. *Dictum of Lord Halsbury referred to*, Borys (Micheal) *v.* Canadian Pacific Railway Co. [1953] A.C. 217; [1953] 2 W.L.R. 224, P.C.

Glasgow Corporation *v.* Muir [1943] A.C. 448; 59 T.L.R. 266; [1943] 2 All E.R. 44. *Applied*, In re Chemists' Federation Agreement (No. 2) [1958] 1 W.L.R. 1192

Glasgow Corporation *v.* Taylor [1922] 1 A.C. 44; 38 T.L.R. 102. *Dicta of Lord Shaw applied*, Phipps *v.* Rochester Corporation [1955] 1 Q.B. 450; [1955] 2 W.L.R. 23; O'Connor *v.* British Transport Commission [1958] 1 W.L.R. 346, C.A.

Glasier *v.* Rolls (1889) 42 Ch.D. 436; 5 T.L.R. 691. *Principle applied*, Akerhielm *v.* De Mare [1959] A.C. 789; [1959] 3 W.L.R. 108, P.C.

Glass, In re, Public Trustee *v.* South West Middlesex Hospital Management Committee [1950] Ch. 643n.; [1950] 2 All E.R. 953n. *Followed*, In re Hunter. Lloyds Bank *v.* Girton College, Cambridge (Mistress and Governors) [1951] Ch. 190; [1951] 1 All E.R. 58; In re Meyers [1951] Ch. 534; [1951] 14 T.L.R. 435; [1951] 1 All E.R. 538; Little, decd., In re. Barclays Bank *v.* Bournemouth and East Dorset Hospital Management Committee [1953] 1 W.L.R. 1132

Glastonbury case. *See* A. Baily & Co. *v.* Clark, Son & Morland

Glen *v.* Inland Revenue, 1926 S.C. 44. *Considered*, Burdett-Coutts *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1027

Glenister *v.* Glenister [1945] P. 30; [1945] 1 All E.R. 513. *Applied*, Baker *v.* Baker [1954] P. 33; [1953] 3 W.L.R. 857, D.C. Hartley *v.* Hartley [1955] 1 W.L.R. 384, D.C. Elliott *v.* Elliott [1956] P. 160; [1956] 2 W.L.R. 220, C.A. *Considered*, Cox *v.* Cox [1958] 1 W.L.R. 340, D.C.

Glen Line *v.* Guy & Sons. The Glenaffric [1948] P. 159; sub nom. Guy & Son *v.* Glen Line [1948] 1 All E.R. 245. *Applied*, Blenheim (Owners) *v.* Impetus (Owners) [1959] P. 111; [1959] 2 W.L.R. 820

Gliksten (J.) & Son *v.* Green [1929] A.C. 381; 45 T.L.R. 274, H.L. *Applied*, Aris-Bainbridge *v.* Turner Manufacturing Co. Ltd. [1951] 1 K.B. 563; [1951] 1 T.L.R. 47; [1950] 2 All E.R. 1178. *Considered*, London Investment and Mortgage Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 858; [1957] 1 W.L.R. 116, C.A.; London Investment and Mortgage Co. *v.* Worthington (Inspector of Taxes) [1959] A.C. 199; [1958] 2 W.L.R. 842, H.L.

Glossop *v.* Heston and Isleworth Local Board (1879) 12 Ch.D. 102, C.A. *Considered and distinguished*, Pride of Derby and Derbyshire Angling Association *v.* British Celanese [1953] Ch. 149; [1953] 2 W.L.R. 58, C.A.

Gluchowska *v.* Tottenham Borough Council [1954] 1 Q.B. 439; [1954] 2 W.L.R. 302; [1954] 1 All E.R. 408. *Considered*, De Jean *v.* Fletcher [1959] 1 W.L.R. 341, C.A.

Glyn Will Trusts, In re, Public Trustee *v.* Attorney-General [1950] W.N. 373; 66 T.L.R. (Pt. 2) 510; [1950] 2 All E.R. 1150n. *Followed*, In re Robinson, decd. Davis *v.* Robinson [1951] Ch. 198; [1951] 1 T.L.R. 132; [1950] 2 All E.R. 1148. *Distinguished*, In re Sanders' Will Trusts. Public Trustee *v.* McLaren [1954] Ch. 265; [1954] 2 W.L.R. 487. *Applied*, In re Lewis, decd. Public Trustee *v.* Allen [1955] Ch. 104; [1954] 3 W.L.R. 610

Glynn *v.* Margetson & Co. [1893] A.C. 351; 9 T.L.R. 437, H.L. *Applied*, G. H. Renton & Co. *v.* Palmyra Trading Corporation of Panama [1955] 3 W.L.R. 535, *distinguished*, [1956] 1 Q.B. 462; [1956] 2 W.L.R. 233, C.A.; [1957] A.C. 149; [1957] 2 W.L.R. 45, H.L. *Applied*, Sze Hai Tong Bank *v.* Rambler Cycle Co. [1959] A.C. 576; [1959] 3 W.L.R. 214, P.C.

Goddard & Smith *v.* Frew [1939] 4 All E.R. 358. *Considered*, West Wake Price & Co. *v.* Ching [1957] 1 W.L.R. 45

Goetze, In re [1953] Ch. 96; [1953] 2 W.L.R. 26; [1953] 1 All E.R. 76. *Dicta of Jenkins L.J. applied*, In re Sebba, decd. [1959] Ch. 166; [1958] 3 W.L.R. 605

Goh Choon Seng *v.* Lee Kim Soo [1925] A.C. 550, P.C. *Applied*, London County Council *v.* Cattermoles (Garages) [1953] 1 W.L.R. 997, C.A.

Gold *v.* Brighton Corporation [1956] 1 W.L.R. 1291; [1956] 3 All E.R. 442, C.A. *Applied*, Le Witt *v.* Brookes [1956] 1 W.L.R. 1439, C.A.

Gold *v.* Essex County Council [1942] 2 K.B. 293; 58 T.L.R. 357; [1942] 2 All E.R. 237, C.A *Applied*, Cassidy *v.* Ministry of Health [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574, C.A. *Considered*, Higgins *v.* North West Metropolitan Hospital Board and Bach [1954] 1 W.L.R. 411. *Referred to*, Roe *v.* Minister of Health [1954] 1 W.L.R. 128. *Applied*, Roe *v.* Minister of Health [1954] 2 Q.B. 66; [1954] 2 W.L.R. 915, C.A.

Goldsbrough, Mort & Co. Ltd. *v.* Hall [1948] V.L.R. 145; (1948–49) 78 C.L.R. 1. *Approved*, Bonython *v.* Commonwealth of Australia [1951] A.C. 201; 66 T.L.R. (Pt. 2) 969, P.C.

Golden Horse Shoe (New) *v.* Thurgood [1934] 1 K.B. 548, C.A. *Referred to*, Stow Bardolph Gravel Co. *v.* Poole [1954] 1 W.L.R. 1058. *Distinguished (but principle, as stated by Romer L.J. at p. 563, applied)*, Stow Bardolph Gravel Co. *v.* Poole [1954] 1 W.L.R. 1503, C.A.

Goldsmiths' Company *v.* West Metropolitan Railway Co. [1904] 1 K.B. 1; 20 T.L.R. 7, C.A. *Followed*, Stewart *v.* Chapman [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; [1951] 2 All E.R. 613, D.C.

Goldsoll *v.* Goldman [1915] 1 Ch. 292, C.A. *Followed*, Ronbar Enterprises *v.* Green [1954] 1 W.L.R. 815, C.A.

Goldthorpe *v.* Bain [1952] 2 Q.B. 455; [1952] 1 T.L.R. 1512; [1952] 2 All E.R. 23, C.A *Explained*, King *v.* Taylor [1955] 1 Q.B. 150; [1954] 3 W.L.R. 669, C.A. Chung Kwok Hotel Co. Ltd. *v.* Field [1960] 1 W.L.R. 1112, C.A.

Gooch, In re, Gooch *v.* Gooch (1890) 6 T.L.R. 224. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460

Gooch, In re [1929] 1 Ch. 740. *Distinguished*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285

Good, In re [1905] 2 Ch. 60; 21 T.L.R. 450. *Applied*, In re Meyers [1951] Ch. 534; [1951] 1 T.L.R. 435; [1951] 1 All E.R. 538

Good's Lease, In re. Good *v.* Trustee of the Property of W., a Bankrupt, and W. [1954] 1 W.L.R. 309; [1954] 1 All E.R. 275. *Applied*, Grand Junction Co. *v.* Bates [1954] 2 Q.B. 160; [1954] 3 W.L.R. 45

Goodbarne *v.* Buck [1940] 1 K.B. 771; 56 T.L.R. 433; [1940] 1 All E.R. 613, C.A. *Dictum of MacKinnon L.J. explained*, Lloyd *v.* Singleton [1953] 1 Q.B. 357; [1953] 2 W.L.R. 278, D.C.

Goodinson *v.* Goodinson [1954] 2 Q.B. 118; [1954] 2 W.L.R. 1121; [1954] 2 All E.R. 255, C.A. *Applied*, Williams *v.* Williams [1957] 1 W.L.R. 149, C.A.

Goodison *v.* Williams (1931) Clark's Rep. (Jamaica) 349. *Overruled*, Chisholm *v.* Hall [1959] A.C. 719; [1959] 3 W.L.R. 391, P.C

Goodman *v.* Eban (J.) [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581; [1954] 2 All E.R. 763. *Applied* London County Council *v.* Agricultural Food Products. Same *v.* Vitamins Ld. [1955] 2 Q.B. 218; [1955] 2 W.L.R. 926, C.A.

Goodman's Trusts, In re (1881) 17 Ch.D. 266, C.A. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097. *Referred to*, Bamgbose *v.* Daniel [1955] A.C. 107; [1954] 3 W.L.R. 561, P.C.

Goodson *v.* Duffield (1612) Moo.K.B. 830. *Considered*, Iveagh *v.* Martin [1960] 3 W.L.R. 210

Goodwin, In re. Anstee *v.* Goodwin [1924] 2 Ch. 26. *Observations of Romer J. applied*, In re Selinger's Will Trusts. Midland Bank Executor and Trustee Co. *v.* Levy [1959] 1 W.L.R. 217

Goodyear Tyre and Rubber Co. (Great Britain) *v.* Lancashire Batteries [1958] 1 W.L.R. 655; [1958] 2 All E.R. 324. *Decision of Upjohn J. reversed* [1958] 1 W.L.R. 857, C.A.

Gordon *v.* Gordon and Granville Gordon [1903] P. 141. *Applied*, Watson *v.* Watson [1954] P. 48; [1953] 3 W.L.R. 708

Gordon and Adams' Contract, In re. In re Pritchard's Settled Estate [1914] 1 Ch. 110, C.A. *Applied*, In re Bransbury, decd. [1954] 1 W.L.R. 496

Gorris *v.* Scott (1874) L.R. 9 Exch. 125. *Distinguished*, Grant *v.* National Coal Board [1956] A.C. 649; [1956] 2 W.L.R. 753, H.L.

Gottlieb *v.* Gleischer [1957] 3 All E.R. 715n. *Considered*, Winchester *v.* Fleming [1958] 1 Q.B. 259; [1957] 3 W.L.R. 1024, C.A.

Gough *v.* National Coal Board [1959] 1 Q.B. 189; [1958] 2 W.L.R. 735; [1958] 1 All E.R. 754; affirming [1957] 1 W.L.R. 973; [1957] 3 All E.R. 368n. *Decision of the Court of Appeal reversed* [1959] A.C. 698; [1959] 2 W.L.R. 658, H.L. *Considered*, Brown *v.* National Coal Board [1961] 1 Q.B. 303; [1960] 3 W.L.R. 892

Gouk, In re [1957] 1 W.L.R. 493; [1957] 1 All E.R. 469. *Distinguished*, In the Estate of Last, decd. [1958] P. 137; [1958] 2 W.L.R. 186

Goulard *v.* Sir Coutts Lindsay & Co. Ltd. (1887) 4 R.P.C. 189. *Distinguished*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

Gould, In re. Ex parte Official Receiver (1887) 49 Q.B.D. 92; 3 T.L.R. 605. *Distinguished*, In re Eichholz, decd. Eichholz's Trustee *v.* Eichholz [1959] Ch. 708; [1959] 2 W.L.R. 200

Government Agent, Central Province *v.* Letchiman Chetty (1922) 24 N.L.R. 36. *Considered*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Gower *v.* Mainwaring (1700) 2 Ves.Sen. 87, L.C. *Distinguished*, In re Coates, decd. [1955] Ch. 495; [1954] 3 W.L.R. 959.

Gowers *v.* Walker [1930] 1 Ch. 262; 46 T.L.R. 50. *Considered*, In re Pratt. Ex parte Inland Revenue Commissioners *v.* Phillips [1951] Ch. 225; 66 T.L.R. (Pt. 2) 847; [1950] 2 All E.R. 994, C.A.

Grace (G. W.) & Co. *v.* General Steam Navigation Co. [1950] 2 K.B. 383; 66 T.L.R. (Pt. 1) 147; [1950] 1 All E.R. 201. *Approved and applied*, Compania Naviera Maropan S/A *v.* Bowaters Lloyd Pulp and Paper Mills [1954] 3 W.L.R. 894; [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998, C.A. *Considered*, Reardon Smith Line *v.* Australian Wheat Board [1956] A.C. 266; [1956] 2 W.L.R. 404

Grace Rymer Investments *v.* Waite [1958] Ch. 314; [1958] 2 W.L.R. 200; [1958] 1 All E.R. 138. *Affirmed* [1958] Ch. 831; [1958] 3 W.L.R. 337, C.A.

Graham, In re [1929] 2 Ch. 127. *Approved*, In re Bailey. Barrett *v.* Hyder [1951] Ch. 407; [1951] 1 All E.R. 391, C.A.

Graham *v.* C. E. Heinke & Co. Ltd. [1958] 1 Q.B. 432; [1958] 2 W.L.R. 224; [1958] 1 All E.R. 365. *Decision on point of law affirmed; award of damages increased* [1959] 1 Q.B. 225; [1958] 3 W.L.R. 737, C.A.

Graham and Scott (Southgate) *v.* Oxlade [1950] 2 K.B. 257; 66 T.L.R. (Pt. 1) 808; [1950] 1 All E.R. 856, C.A. *Applied*, Christie, Owen and Davies *v.* Stockton [1953] 1 W.L.R. 1353. *Considered*, Ackroyd & Sons *v.* Hasan [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810, 817

Granada Theatres *v.* Freehold Investment (Leytonstone) [1958] 1 W.L.R. 845; [1958] 2 All E.R. 551. *Decision of Vaisey J. varied* [1959] Ch. 592; [1959] 1 W.L.R. 570, C.A.

Grant *v.* Australian Knitting Mills [1936] A.C. 85; 52 T.L.R. 38, P.C. *Principle stated by Lord Wright, considered and applied*, Wilson *v.* Rickett Cockerell & Co. [1954] 1 Q.B. 598; [1954] 2 W.L.R. 629, C.A. *Applied*, Godley *v.* Perry [1960] 1 W.L.R. 9

Grant *v.* National Coal Board [1956] 2 W.L.R. 752; [1956] 1 All E.R. 682, H.L. *Applied*, Kilgollan *v.* William Cooke & Co. [1956] 1 W.L.R. 528, C.A.

Grant *v.* Sun Shipping Co. [1948] A.C. 549; [1948] 2 All E.R. 238. *Dicta of Lord du Parcq not followed*, Cockerill *v.* William Cory & Son [1959] 2 Q.B. 194; [1959] 2 W.L.R. 870, C.A.

Gray *v.* Comrs. of Customs and Excise (1884) 48 J.P. 343, 344. *Dicta of Lord Coleridge C.J. considered*, Reg. *v.* Nottingham Justices, Ex parte Brown [1960] 1 W.L.R. 1315

Great Central Railway Co. *v.* North-Eastern Steam Fishing Co. (1906) 22 T.L.R. 520. *Distinguished*, Pigott (J. H.) & Son *v.* Docks and Inland Waterways Executive [1953] 1 Q.B. 338; [1953] 1 W.L.R. 94

Great Eastern Railway Co. *v.* Goldsmid (1884) 9 App.Cas. 927, H.L. *Applied*, Scottish Co-operative Wholesale Society *v.* Ulster Farmers Mart Co. Ulster Farmers Mart Co. *v.* Scottish Co-operative Society [1960] A.C. 63; [1959] 2 W.L.R. 857, H.L.

Great Northern Railway Co. *v.* Mossop (1855) 17 C.B. 130. *Distinguished*, Regina *v.* Judge Sir Shirley Worthington-Evans. Ex parte Madan [1959] 2 Q.B. 145; [1959] 2 W.L.R. 908, D.C.

Great North-West Central Railway Co. *v.* Charlebois [1899] A.C. 114, P.C. *Explained*, Beauforte (Jon) (London), In re [1953] Ch. 131; [1953] 2 W.L.R. 465

Great West Saddlery Co. *v.* The King [1921] 2 A.C. 91; 37 T.L.R. 436, P.C. *Considered*, Attorney-General for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418, P.C.

Great Western Railway Co. *v.* Bater [1922] A.C. 1; 38 T.L.R. 448; 8 T.C. 231. *Considered*, Mitchell *v.* Ross [1960] Ch. 498; [1960] 2 W.L.R. 766

Great Western Railway Co. *v.* Mostyn (Owners) [1928] A.C. 57, H.L. *Applied*, Workington Harbour and Dock Board *v.* Towerfield (Owners) [1951] A.C. 112; 66 T.L.R. (Pt. 2) 387; [1950] 2 All E.R. 414, H.L.

Greaves, In re, Greaves *v.* Greaves [1954] 1 W.L.R. 760; [1954] 2 All E.R. 109. *Distinguished*, In re Bone, decd., Bone *v.* Midland Bank [1955] 1 W.L.R. 704

Greaves, In re, Public Trustee *v.* Ash [1953] 3 W.L.R. 987; [1953] 2 All E.R. 1395. *Reversed*, [1954] Ch. 265; [1954] 2 W.L.R. 487

Grech *v.* Odhams Press, Addis *v.* Same [1957] 3 W.L.R. 492; [1957] 3 All E.R. 556, sub nom. Addis *v.* Same [1958] 1 Q.B. 310. *Decision of Donovan J. affirmed in part and reversed in part* [1958] 2 Q.B. 275; [1958] 3 W.L.R. 16, C.A.

Green *v.* Green [1929] P. 101. *Dictum of Lord Merrivale P. followed*, Harrison *v.* Harrison [1951] P. 476; [1951] 2 T.L.R. 242; [1951] 2 All E.R. 346

Green *v.* Green and Partridge [1958] 1 W.L.R. 1104; [1958] 3 All E.R. 242. *Considered*, Collins *v.* Collins [1960] 1 W.L.R. 660

Green *v.* Portsmouth Stadium [1953] 1 W.L.R. 487; [1953] 1 All E.R. 642. *Reversed* [1953] 2 Q.B. 190; [1953] 2 W.L.R. 1206, C.A. *Considered*, Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127, 134.

Green *v.* Rheinberg (1911) 104 L.T. 149, C.A. *Applied*, Grace Rymer Investments *v.* Waite [1958] Ch. 831; [1958] 3 W.L.R. 337, C.A.

Green *v.* Russell, McCarthy (Third Party) [1959] 1 Q.B. 28; [1958] 3 W.L.R. 371; [1958] 3 All E.R. 44. *Decision of Ashworth J. affirmed* [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Green *v.* Sevin (1879) 13 Ch.D. 589. *Applied*, Smith *v.* Hamilton [1951] Ch. 174; 66 T.L.R. (Pt. 2) 937; [1950] 2 All E.R. 928

Green (H. E.) & Sons & Minister of Health (No. 2) [1948] 1 K.B. 34; [1947] 2 All E.R. 469. *Observations of Denning J. applied*, In re Sanders' Will Trusts, Public Trustee *v.* McLaren [1954] Ch. 265; [1954] 2 W.L.R. 487

Greenberg *v.* Cooperstein [1926] 1 Ch. 657. *Applied*, Vandyk *v.* Minister of Pensions and National Insurance [1955] 1 Q.B. 29; [1954] 3 W.L.R. 342

Greene, In re [1928] Ch. 528; 44 T.L.R. 449, C.A. *Applied*, In re C. W. M., 1941, No. 2396 [1951] 2 K.B. 714; [1951] 2 All E.R. 707, C.A.

Greene *v.* West Cheshire Railway Co. (1871) L.R. 13 Eq. 44. *Distinguished*, Attorney-General ex relatione Allen *v.* Colchester Borough Council [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913

Greenfield *v.* London and North Eastern Railway Co. [1945] K.B. 89; 61 T.L.R. 44; [1944] 2 All E.R. 248. *Considered*, Howgate *v.* Bagnall [1951] 1 K.B. 265; 66 T.L.R. (Pt. 2) 997; [1950] 2 All E.R. 1104

Greenhalgh *v.* Arderne Cinemas [1946] 1 All E.R. 512, C.A. *Applied*, White *v.* Bristol Aeroplane Co. [1953] Ch. 65; [1953] 2 W.L.R. 144

Greenhalgh *v.* Mallard [1947] 2 All E.R. 255, C.A. *Considered*, In re A Debtor, No. 472 of 1950, Ex parte Swirsky [1958] 1 W.L.R. 283

Greening & Co., Marsh's Case, In re (1871) L.R. 13 Eq. 388. *Considered*, In re Apex Film Distributors [1960] Ch. 378; [1960] 2 W.L.R. 350

Greenock Corporation *v.* Caledonian Railway Co. Ltd. [1917] A.C. 556; 33 T.L.R. 531, H.L. *Followed*, Pemberton *v.* Bright [1960] 1 W.L.R. 436

Greenwell *v.* Howell [1900] 1 Q.B. 535; 16 T.L.R. 235. *Applied*, Reeves *v.* Deane-Freeman [1953] 1 Q.B. 459; [1953] 2 W.L.R. 391, C.A.

Greenwell *v.* Humphries. *See* In re Williams' Settlement.

Greenwood, Ex parte. *See* In re Liverpool Civil Service Association.

Greenwood, Ex parte (1855) 25 L.T.(o.s.) 86. *Dicta applied*, Warren *v.* Warren [1953] 1 W.L.R. 1268

Greenwood *v.* Greenwood (1939) 55 T.L.R. 607; 2 All E.R. 150, P.C. *Followed*, Brooke, In re, Jubber *v.* Brooke [1953] 1 W.L.R. 439

Greenwood *v.* Martins Bank Ltd. [1933] A.C. 51; 48 T.L.R. 601, H.L. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C.

Greenwood *v.* Turner [1891] 2 Ch. 144. *Referred to*, Pearlberg *v.* May [1951] Ch. 104, 699; [1951] 2 T.L.R. 1; [1951] 1 All E.R. 1001, C.A.

Gregory *v.* Ford [1951] 1 All E.R. 121. *Approved*, Strongman (1945) *v.* Sincock [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360, C.A.

Gregory *v.* Queen's Proctor (1846) 4 Notes of Cases 620. *Applied*, In the Estate of Little, decd. [1960] 1 W.L.R. 495

Gregson *v.* Hick Hargreaves & Co. Ld. [1955] 1 W.L.R. 1025; [1955] 2 All E.R. 860. *Reversed* [1955] 1 W.L.R. 1253, C.A.

Gregson *v.* Prior (1925) 42 T.L.R. 7, D.C. *Referred to*, Butler *v.* Hudson [1953] 2 Q.B. 407; [1953] 3 W.L.R. 227, C.A.

Grenfell *v.* Hamilton. *See* In re James.

Gresham Life Assurance Society *v.* Bishop [1902] A.C. 287; 18 T.L.R. 626, H.L.; reversing [1901] 1 K.B. 153. *Considered*, Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1960] 3 W.L.R. 929

Gresham's Settlement, In re, Lloyd's Bank *v.* Gresham [1956] 1 W.L.R. 573; [1956] 2 All E.R. 193. *Followed*, In re Allan, decd. [1958] 1 W.L.R. 220

Greta Holme, The [1897] A.C. 596; 13 T.L.R. 552, H.L.; reversing S.C. sub nom. The Emerald. The Greta Holme [1896] P. 192. *Applied*, Lord Citrine (Owners) *v.* Hebridean Coast (Owners). The Hebridean Coast [1960] 3 W.L.R. 29

Grey, In the Estate of [1922] P. 140; 38 T.L.R. 401. *Distinguished*, In the Estate of Colman, decd. [1958] 1 W.L.R. 457

Grey *v.* American Airlines Inc. (1950) 95 F.Sup. 756. *Applied*, Preston *v.* Hunting Air Transport [1956] 1 Q.B. 454; [1956] 2 W.L.R. 527

Grey (Lord) *v.* Grey (Lady) (1677) 1 Cas. in Ch. 296. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460; [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

Grey *v.* Inland Revenue Commissioners [1958] 1 Ch. 375; [1958] 2 W.L.R. 168; [1958] 1 All E.R. 246. *Decision of Upjohn J. reversed* [1958] Ch. 690; [1958] 3 W.L.R. 45, C.A.

Grey *v.* Inland Revenue Commissioners [1958] Ch. 690; [1958] 3 W.L.R. 45; [1958] 2 All E.R. 428. *Decision of the Court of Appeal affirmed* [1960] A.C. 1; [1959] 3 W.L.R. 759, H.L.

Grey *v.* Tiley (1932) 16 T.C. 414. *Considered*, Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842, H.L.

Griffin, Ex parte (1880) 14 Ch.D. 37, C.A. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Griffin *v.* Grey Coaches (1928) 45 T.L.R. 109. *Distinguished*, Cogley *v.* Sherwood. Car Hire Group (Skyport) *v.* Same. Howe *v.* Kavanaugh. Car Hire Group (Skyport) *v.* Same [1959] 2 Q.B. 211; [1959] 2 W.L.R. 781, D.C.

Griffin *v.* Weatherby (1868) L.R. 3 Q.B. 753. *Applied*, Shamia *v.* Joory [1958] 1 Q.B. 448; [1958] 2 W.L.R. 85

Griffith *v.* Pelton [1958] Ch. 205; [1957] 3 W.L.R. 522; [1957] 3 All E.R. 75, C.A. *Considered*, Beesly *v.* Hallwood Estates Ltd. [1960] 1 W.L.R. 549

Griffiths *v.* Conway (Peter) [1939] 1 All E.R. 685, C.A. *Considered*, Ingham *v.* Emes [1955] 2 Q.B. 366; [1955] 3 W.L.R. 245, C.A.

Griffiths *v.* Evans [1953] 1 W.L.R. 1424; [1953] 2 All E.R. 1364, C.A. *Distinguished*, Hall *v.* Moyrick [1957] 2 Q.B. 455; [1957] 2 W.L.R. 459

Griffiths *v.* Griffiths (1912) 28 T.L.R. 281. *Distinguished*, Jeffrey *v.* Jeffrey [1951] P. 32; 66 T.L.R. (Pt. 2) 294

Griffiths *v.* Smith [1941] A.C. 170; 57 T.L.R. 185; [1941] 1 All E.R. 66, H.L. *Applied*, Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 1 W.L.R. 426

Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332; [1953] 1 All E.R. 350, C.A. *Applied*, Hayman *v.* Rowlands [1957] 1 W.L.R. 317, C.A.

Grindell *v.* Bass [1920] 2 Ch. 487; 36 T.L.R. 867. *Considered*, Wright *v.* Pepin [1954] 1 W.L.R. 635

Groom *v.* Crocker [1939] 1 K.B. 194; 54 T.L.R. 861; [1938] 2 All E.R. 394, C.A. *Applied*, Hall *v.* Meyrick [1957] 2 Q.B. 455; [1957] 2 W.L.R. 459

Grosvenor *v.* Butler. *See* In re Cavendish.

Grosvenor Metal Co. Ltd., In re [1950] Ch. 63; 65 T.L.R. 755; [1949] 2 All E.R. 948. *Followed*, In re Suidair International Airways Ltd. (Application of Vickers-Armstrongs Ltd.) [1951] Ch. 165; 66 T.L.R. (Pt. 2) 909; [1950] 2 All E.R. 920

Grove *v.* Lloyd's British Testing Co. [1931] A.C. 450; 47 T.L.R. 308; reversing [1931] 1 K.B. 385. *Dictum of Lord Dunedin considered*, Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1959] 3 W.L.R. 317, H.L. *Applied*, Crowe *v.* Lloyd's British Testing Co. Ltd. [1960] 1 Q.B. 592; [1960] 2 W.L.R. 227

Grove *v.* Portal [1902] 1 Ch. 727; 18 T.L.R. 319. *Referred to*, Cook *v.* Shoesmith [1951] 1 K.B. 752; [1951] 1 T.L.R. 194, C.A.

Groves *v.* Wimborne (Lord) [1898] 2 Q.B. 402; 14 T.L.R. 493, C.A. *Applied*, Solomons *v.* R. Gertzenstein [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823; [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317, C.A. *Considered*, Bryers *v.* Canadian Pacific Steamships [1957] 1 Q.B. 134; [1956] 3 W.L.R. 778, C.A. *Applied*, Attorney-General *v.* St. Ives Rural District Council [1960] 1 Q.B. 312; [1959] 3 W.L.R. 575

Guaranty Trust Co. *v.* United States (1938) 304 U.S. 126. *Discussed*, Boguslawski *v.* Gdynia-Ameryka Linie [1951] 1 K.B. 162; 66 T.L.R. (Pt. 2) 596; [1951] 2 All E.R. 113, C.A.

Guaranty Trust Co. of New York *v.* Hannay & Co. [1915] 2 K.B. 536, C.A. *Considered*, London *v.* Ryder (No. 2) [1953] Ch. 423; [1953] 2 W.L.R. 863. *Distinguished*, Maerkle *v.* British Continental Fur Co. [1954] 1 W.L.R. 1242, C.A.

Guest *v.* Poole & Bournemouth Railway Co. (1870) L.R. 5 C.P. 553. *Distinguished*, Grice *v.* Dudley Corporation [1958] Ch. 329; [1957] 3 W.L.R. 315

Guildford Rural District Council *v.* Fortescue [1959] 2 Q.B. 112; [1959] 2 W.L.R. 643; [1959] 2 All E.R. 111. *Considered*, Mounsdon *v.* Weymouth and Melcombe Borough Council [1960] 1 Q.B. 645; [1960] 2 W.L.R. 484, 488, 490–491. *Dictum of Lord Evershed M.R. considered*, Marshall *v.* Nottingham Corpn. [1960] 1 W.L.R. 707

Guillemard *v.* Silverthorne (1908) 99 L.T. 584. *Distinguished*, Silvester *v.* Ostrowska [1959] 1 W.L.R. 1060

Guinness Trust (London Fund) Founded 1890 *v.* West Ham Borough Council [1959] 1 W.L.R. 233; [1959] 1 All E.R. 482, C.A. *Referred to*, Working Men's Club and Institute Union *v.* Swansea Corporation [1959] 1 W.L.R. 1197, C.A. *Considered*, In re North of England Zoological Society [1959] 1 W.L.R. 773, C.A.

Gunatilleke *v.* Fernando (1921) 22 N.L.R. 385. *Considered*, Perera *v.* Perera [1960] 2 W.L.R. 652

Gundry (A. P.) *v.* D. Dunham (Surveyor of Taxes) (1915) 32 T.L.R. 142; 7 T.C. 12, 22. *Dictum of Swinfen-Eady L.J. considered,* Trustees of Tollemache Settled Estates *v.* Coughtrie [1960] Ch. 475; [1960] 2 W.L.R. 825, 832

Gutteridge *v.* Munyard (1834) 1 Moo. & R. 334. *Applied,* Brown *v.* Davies [1958] 1 Q.B. 117; [1957] 3 W.L.R. 819, C.A.

Guy Mannering, The (1882) 7 P.D. 132, C.A. *Considered,* Waziristan, The [1953] 1 W.L.R. 1446

H. *v.* H. [1954] P. 258; [1953] 3 W.L.R. 849; [1953] 2 All E.R. 1229. *Applied,* Silver (orse. Kraft) *v.* Silver [1955] 1 W.L.R. 728

H. *v.* H. (unreported), March 31, 1954 (C.A.). *Applied,* S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

H.'s Settlement. In re, H. *v.* S., Re P.'s Settlement [1939] W.N. 318. *Applied,* In re Hooker's Settlement, Heron *v.* Public Trustee [1955] Ch. 55; [1954] 3 W.L.R. 606

Hackney Borough Council *v.* Metropolitan Asylums Board (1924) 40 T.L.R. 645. *Questioned,* Arbuckle Smith & Co. Ltd. *v.* Greenock Corpn. [1960] A.C. 813; [1960] 2 W.L.R. 435

Hadden, In re, Public Trustee *v.* More [1932] 1 Ch. 133; 48 T.L.R. 9. *Considered,* Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84, C.A. *Followed,* In re Morgan, decd., Cecil-Williams *v.* Attorney-General [1955] 1 W.L.R. 739

Hadley *v.* Baxendale (1854) 9 Exch. 341. *Applied,* Pilkington *v.* Wood [1953] Ch. 770; [1953] 3 W.L.R. 522; Cullinane *v.* British "Rema" Manufacturing Co. [1954] 1 Q.B. 292; [1953] 3 W.L.R. 923, C.A.; Hall *v.* Meyrick [1957] 2 Q.B. 455; [1957] 2 W.L.R. 459. *Considered,* Diamond *v.* Campbell-Jones [1961] Ch. 22; [1960] 2 W.L.R. 568

Hadley *v.* Perks (1866) L.R. 1 Q.B. 444. *Explained,* Willey *v.* Peace [1951] 1 K.B. 94; 66 T.L.R. (Pt. 2) 450; [1950] 2 All E.R. 724, D.C.

Hagan (George) *v.* Effuah Adum (1939) 5 W.A.C.A. 35. *Applied,* Vanderpuye *v.* Botchway [1956] A.C. 501; [1956] 2 W.L.R. 1081, P.C.

Hagersville Village *v.* Hambleton (1927) 61 O.R. 327. *Applied,* Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Haile Selassie *v.* Cable & Wireless [1938] Ch. 839; 54 T.L.R. 996; [1938] 3 All E.R. 384, C.A. *Considered,* Juan Ysmael & Co. Inc. *v.* Indonesian Government [1955] A.C. 72, [1954] 3 W.L.R. 531

Hain Steamship Co. Ltd. *v.* Tate & Lyle Ltd. (1936) 52 T.L.R. 617; [1936] 2 All E.R. 597. *Applied,* Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Hales *v.* Bolton Leathers Ltd. [1950] 1 K.B. 493; 66 T.L.R. (Pt. 1) 74; [1950] 1 All E.R. 149, C.A. *Affirmed* [1951] A.C. 531; [1951] 1 T.L.R. 570; [1951] 1 All E.R. 643, H.L. *Applied,* Holloway *v.* Mobberley & Perry Ltd. [1951] 1 K.B. 316; (1950) 66 T.L.R. (Pt. 2) 579; [1950] 2 All E.R. 761, C.A. *Distinguished,* Bagley *v.* National Coal Board [1951] 2 T.L.R. 587, C.A.

Halifax (City of) *v.* Fairbanks' Estate [1928] A.C. 117; 44 T.L.R. 5, P.C. *Referred to,* Attorney-General for Saskatchewan *v.* Canadian Pacific Railway Co. [1953] A.C. 594; [1953] 3 W.L.R. 409, P.C.

Halkett *v.* Dudley (Earl) [1907] 1 Ch. 590. *Considered,* Manning *v.* Turner [1957] 1 W.L.R. 92

Hall *v.* Brooklands Auto Racing Club [1933] 1 K.B. 205; 48 T.L.R. 576, C.A. *Principle applied,* Murray *v.* Harringay Arena Ltd. [1951] 2 K.B. 529; [1951] 2 All E.R. 320, C.A.

Hall *v.* Fearnley (1842) 3 Q.B. 919. *Considered,* Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Hall *v.* Leitch (1870) L.R. 9 Eq. 376. *Considered,* In re Angus' Will Trusts [1960] 1 W.L.R. 1296

Hall *v.* Marians (No. 2) (1935) 19 T.C. 582, C.A. *Applied,* Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A.

Hall *v.* Meyrick [1957] 2 W.L.R. 458; [1957] 1 All E.R. 208. *Decision of Ashworth J. reversed* [1957] 2 Q.B. 455; [1957] 3 W.L.R. 274, C.A.

Hall & Co. *v.* South East Area Survey Assessment Committee (1933) 4 D.R.A. 29. *Applied,* London Transport Executive *v.* Betts (Valuation Officer) [1957] 1 W.L.R. 988, C.A.; [1959] A.C. 213; [1958] 3 W.L.R. 239, H.L.

Hall's Settlement, In re, Sanderson *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1185; [1954] 2 All E.R. 679. *Affirmed* [1955] Ch. 128; [1954] 3 W.L.R. 675; [1954] 3 All E.R. 435, C.A.; *affirmed,* sub nom. Sanderson *v.* Inland Revenue Commissioners [1956] A.C. 491; [1956] 2 W.L.R. 98, H.L.

Halpern *v.* Halpern [1951] P. 204; [1951] 1 T.L.R. 461; [1951] 1 All E.R. 315. *Doubted,* Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A.

Halstead, Ex parte. *See* R. *v.* Quinn.

Halsted's Will Trusts, In re [1937] 2 All E.R. 570. *Considered,* In re Wills' Will Trusts, Wills *v.* Wills [1959] Ch. 1; [1958] 3 W.L.R. 101

Hambrook *v.* Stokes Brothers [1925] 1 K.B. 141; 41 T.L.R. 125, C.A. *Distinguished,* King *v.* Phillips [1953] 1 Q.B. 429; [1953] 2 W.L.R. 526, C.A.; Schneider *v.* Eisovitch [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169

Hamilton *v.* Spottiswoode (1849) 4 Ex. 200. *Considered,* Shamia *v.* Joory [1958] 1 Q.B. 448; [1958] 2 W.L.R. 85

Hamilton & Co. *v.* Mackie & Sons (1889) 5 T.L.R. 677, C.A. *Applied,* Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 510

Hammersley *v.* De Biel (1845) 12 Cl. & Fin. 45, 78. *Dictum of Lord Lyndhurst L.C. applied,* Parker *v.* Clark [1960] 1 W.L.R. 286

Hammond *v.* Hammond [1957] P. 349; [1957] 3 W.L.R. 395; [1957] 3 All E.R. 16. *Not followed*, Sutton *v.* Sears [1960] 1 Q.B. 97; [1959] 3 W.L.R. 791

Hammond *v.* St. Pancras Vestry (1874) L.R. 9 C.P. 316. *Applied*, Smeaton *v.* Ilford Corporation [1954] Ch. 450; [1954] 2 W.L.R. 668

Hammond & Co. *v.* Bussey (1887) 20 Q.B.D. 79; 4 T.L.R. 95, C.A. *Followed*, Butterworth *v.* Kingsway Motors [1954] 1 W.L.R. 1286

Hampson *v.* Hampson [1908] P. 355; 24 T.L.R. 868. *Applied*, Thynne *v.* Thynne [1955] P. 272; [1955] 3 W.L.R. 108, 466, C.A.

Hampstead Junction Ry. Co., In re, Ex parte Buck (1863) 1 Hem. & M. 519. *Distinguished*, In re West Ferry Road, Poplar. In re Padwick's Estate [1955] 1 W.L.R. 751, C.A.

Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755; [1958] 2 All E.R. 141, C.A. *Applied*, A. Martin French *v.* Kingswod Hill Ltd. [1961] 1 Q.B. 96; [1960] 2 W.L.R. 947

Hancock *v.* Watson [1902] A.C. 14, H.L. *Applied*, In re Burton's Settlement Trusts. Public Trustee *v.* Montefiore [1955] Ch. 60; [1954] 3 W.L.R. 574; [1955] Ch. 348; [1955] 2 W.L.R. 452, C.A. *Applied*, In re Atkinson's Will Trusts [1957] Ch. 117; [1956] 3 W.L.R. 900

Handley Page *v.* Butterworth (1935) 19 T.C. 328, H.L. *Applied*, Evans Medical Supplies *v.* Moriarty (Inspector of Taxes) [1957] 1 W.L.R. 289, C.A.

Hangkam Kwingtong Woo *v.* Liu Lan Fong (1949) 33 H.K.L.R. 113. *Affirmed* [1951] A.C. 707; [1951] 2 T.L.R. 707; [1951] 2 All E.R. 567, P.C.

Hankey *v.* Clavering [1942] 2 K.B. 326, 329; [1942] 2 All E.R. 311. *Dictum of Lord Greene M.R. considered*, Baker *v.* Merckel [1960] 1 Q.B. 657; [1960] 2 W.L.R. 492, 496

Hanson *v.* Newman [1934] Ch. 298, 304; 50 T.L.R. 191, C.A. *Dictum of Lawrence L.J. applied*, Jaquin *v.* Holland [1960] 1 W.L.R. 258

Harding *v.* Barker (1888) 53 J.P. 308. *Dictum of Wills J. applied*, Kensington Borough Council *v.* Walters [1960] 1 Q.B. 361; [1959] 3 W.L.R. 945, D.C.

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Hardman *v.* Booth (1863) 1 H.L.C. 803; 158 E.R. 1107. *Considered*, Ingram *v.* Little [1960] 1 Q.B. 31; [1960] 3 W.L.R. 504

Hardy *v.* Central London Railway Co. [1920] 3 K.B. 459; 36 T.L.R. 843, C.A. *Distinguished*, Gough *v.* National Coal Board [1954] 1 Q.B. 191; [1953] 3 W.L.R. 900, C.A.

Hardy (M. W.) & Co. Inc. *v.* Pound (A. V.) & Co. [1955] 1 Q.B. 499; [1955] 2 W.L.R. 589; [1955] 1 All E.R. 666, C.A. *Affirmed*, A. V. Pound & Co. *v.* M. W. Hardy & Co. Inc. [1956] A.C. 588; [1956] 2 W.L.R. 684, H.L.

Hardy & Co. (London) *v.* Hillerns and Fowler [1923] 2 K.B. 490; 39 T.L.R. 547, C.A. *Considered*, Kwei Tek Chao *v.* British Traders and Shippers [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365

Hargreaves *v.* Hargreaves [1926] P. 42, 45; 42 T.L.R. 252. *Applied*, Compton *v.* Compton & Hussey [1960] P. 201; [1960] 3 W.L.R. 476

Hargrove & Co., Ex parte. *See* In re Arthur Average Association for British, Foreign and Colonial Ships

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Harland-Peck, In re [1941] Ch. 182; 57 T.L.R. 118; [1940] 4 All E.R. 347, C.A. *Considered*, In re White, decd., McCann *v.* Hull [1958] Ch. 762; [1958] 2 W.L.R. 464

Harlow *v.* Minister of Transport and Rugby Portland Cement Co. Ltd. [1950] 2 K.B. 175; 66 T.L.R. (Pt. 1) 824; [1950] 1 All E.R. 898. *Reversed* [1951] 2 K.B. 98; 66 T.L.R. (Pt. 2) 1037, C.A.

Harmer *v.* Cornelius (1858) 5 C.B.(N.S.) 236. *Observations of Willes J. applied*, Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 632, C.A.

Harmony, The (1815) 2 Dods. 78. *Considered*, The Hermes [1951] P. 347; [1951] 2 T.L.R. 54

Harper, In re (1882) 21 Ch.D. 537. *Considered*, In re Browne [1960] 1 W.L.R. 692

Harper *v.* Haden (G. N.) & Sons [1933] Ch. 298, C.A. *Applied*, Trevett *v.* Lee [1955] 1 W.L.R. 114, C.A.

Harper *v.* Secretary of State for the Home Department [1955] 1 Ch. 238; [1955] 2 W.L.R. 316; [1955] 1 All E.R. 331, C.A. *Considered*, Merricks *v.* Heathcoat-Amory [1955] Ch. 567; [1955] 3 W.L.R. 56

Harper & Co. *v.* Vigers Brothers [1909] 2 K.B. 549; 25 T.L.R. 627. *Considered*, Newborne *v.* Sensolid (Great Britain) [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596, C.A.

Harries *v.* Harries and Gregory (1901) 18 T.L.R. 219. *Applied*, Squires *v.* Squires [1959] 1 W.L.R. 483

Harriman *v.* Harriman [1909] P. 123; 25 T.L.R. 291, C.A. *Applied*, W. *v.* W. (No. 2) [1954] P. 486; [1954] 3 W.L.R. 381, C.A.; Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229; Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 139, C.A.; Tursi *v.* Tursi [1959] P. 54; [1957] 3 W.L.R. 574

Harrington *v.* Ramage [1907] W.N. 137. *Distinguished*, Fullerton *v.* Ryman [1956] 1 W.L.R. 428

Harris *v.* Bright's Asphalt Contractors [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341; [1953] 1 All E.R. 395. *Considered*, Richards *v.* Highways Ironfounders (West Bromwich) [1955] 1 W.L.R. 1050, C.A. *Not followed*, Pope *v.* D. Murphy & Son Ltd. [1961] 1 Q.B. 222; [1960] 2 W.L.R. 861

Harris *v.* Director of Public Prosecutions [1952] A.C. 694; [1952] 1 T.L.R. 1075; [1952] 1 All E.R. 1044, H.L. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C. *Applied*, Corke *v.* Corke and Cook [1958] P. 93; [1958] 2 W.L.R. 110, C.A.

Harris *v.* Rotol Ltd. [1950] 2 K.B. 573; 66 T.L.R. (Pt. 1) 887; [1950] 1 All E.R. 867, C.A. *Explained*, Holloway *v.* Mobberly and Perry Ltd. [1951] 1 K.B. 316; 66 T.L.R. (Pt. 2) 579; [1950] 2 All E.R. 761, C.A.

Harris *v.* Taylor [1915] 2 K.B. 580, C.A. *Distinguished*, In re Dulles' Settlement (No. 2) [1951] Ch. 842; [1951] 2 T.L.R. 145; [1951] 2 All E.R. 69, C.A.

Harris *v.* Warre (1879) 4 C.P.D. 125. *Applied*, Collins *v.* Jones [1955] 1 Q.B. 564; [1955] 2 W.L.R. 813, C.A.

Harris (C. & T.) (Calne) *v.* F. S. E. Harris (1933) 50 T.L.R. 123. *Considered*, Baume & Co. *v.* A. H. Moore [1958] Ch. 137; [1957] 3 W.L.R. 870

Harrison *v.* Foreman (1800) 5 Ves.Jun. 207. *Distinguished*, In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 1212, C.A.

Harrison *v.* Harrison [1951] P. 476; [1951] 2 T.L.R. 242; [1951] 2 All E.R. 346. *Approved*, Packer *v.* Packer [1954] P. 15; [1953] 3 W.L.R. 33, C.A. Galloway *v.* Galloway [1954] P. 312; [1954] 2 W.L.R. 980, C.A. *Overruled* [1956] A.C. 299; [1955] 3 W.L.R. 723, H.L.

Harrison *v.* Hill, 1932 S.C.(J.) 13. *Applied*, Buchanan *v.* Motor Insurers' Bureau [1955] 1 W.L.R. 488

Harrison *v.* Metropolitan Plywood Co. [1946] K.B. 255; 62 T.L.R. 109; [1946] 1 All E.R. 243. *Approved*, Dickson *v.* Flack [1953] 2 Q.B. 464; [1953] 3 W.L.R. 571, C.A.

Harrison *v.* National Coal Board [1950] 1 K.B 466; 66 T.L.R. (Pt. 1) 300; [1950] 1 All E.R. 171, C.A. *Affirmed* [1951] A.C. 639; [1951] 1 T.L.R. 1079; [1951] 1 All E.R. 1102, H.L. *Applied*, England *v.* National Coal Board [1953] 1 Q.B. 724; [1953] 2 W.L.R. 1059, C.A.

Harse *v.* Pearl Life Assurance Co. [1904] 1 K.B. 558, 564. *Dictum of Romer L.J. considered*, Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127, 133

Har-Shefi *v.* Har-Shefi [1952] 2 T.L.R. 784; [1952] 2 All E.R. 821. *Reversed* [1953] P. 161; [1953] 2 W.L.R. 690, C.A.

Hart (Inspector of Taxes) *v.* Sangster [1956] 1 W.L.R. 1105; [1956] 3 All E.R. 52. *Affirmed* [1957] Ch. 329; [1957] 1 W.L.R. 814, C.A.

Harthan *v.* Harthan [1949] P. 115; [1948] 2 All E.R. 639, C.A. *Applied*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

Hartland, In re [1911] 1 Ch. 459. *Followed*, In re D'Avigdor-Goldsmid [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] 1 All E.R. 240

Hartley *v.* Mayoh & Co. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355; [1954] 1 All E.R. 375, C.A. *Considered*, Stanton Ironworks Co. *v.* Skipper [1956] 1 Q.B. 255; [1955] 3 W.L.R. 752, D.C. *Applied*, Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271, D.C. *Distinguished*, Bryers *v.* Canadian Pacific Steamships [1956] 1 W.L.R. 1182. *Considered* [1957] 1 Q.B. 134; [1956] 3 W.L.R. 778, C.A. *Distinguished*, sub nom. Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 994, H.L.

Hartwell *v.* Grayson, Rollo & Clover Docks [1947] K.B. 901, C.A. *Referred to*, Creed *v.* McGeoch & Sons [1955] 1 W.L.R. 1005

Hartwells of Oxford Ltd. *v.* British Motor Trade Association [1951] Ch. 50; 66 T.L.R. (Pt. 2) 483; [1950] 2 All E.R. 705, C.A. *Referred to*, Monkland *v.* Jack Barclay Ltd. [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714, C.A.

Harvell *v.* Foster [1954] 1 Q.B. 591; [1954] 2 W.L.R. 642; [1954] 1 All E.R. 851. *Reversed* [1954] 2 Q.B. 367; [1954] 3 W.L.R. 351; [1954] 2 All E.R. 736. *Distinguished*, In re Aldhous, Noble *v.* Treasury Solicitor [1955] 1 W.L.R. 460; In re Cockburn's Will Trusts [1957] Ch. 438; [1957] 3 W.L.R. 213

Harvey *v.* Anning (1902) 87 L.T. 687, D.C. *Distinguished*, Cracknell *v.* Smith [1960] 1 W.L.R. 1239

Harvey *v.* Aston (Lady) (1737) 1 Atk. 361. *Followed*, Leong *v.* Chye [1955] A.C. 648; [1955] 3 W.L.R. 304, P.C.

Harvey *v.* Lovekin (1884) 10 P.D. 122; 1 T.L.R. 136, C.A. *Applied*, Hulbert *v.* Hulbert [1957] P. 174; [1957] 2 W.L.R. 809, C.A.

Harward *v.* Hackney Union Guardians of the Poor (1898) 14 T.L.R. 306. *Considered*, Buxton *v.* Jayne [1960] 1 W.L.R. 783

Harwood, In re [1936] Ch. 285. *Distinguished*, In re Goldschmidt, decd. [1957] 1 W.L.R. 524

Haseldine *v.* C. A. Daw & Son [1941] 2 K.B. 347; 58 T.L.R. 1; [1941] 3 All E.R. 156, C.A. *Applied*, Green *v.* Fibreglass [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71

Haskell *v.* Marlow [1928] 2 K.B. 45; 44 T.L.R. 171. *Approved*, Regis Property Co. *v.* Dudley [1958] 1 Q.B. 346; [1958] 3 W.L.R. 647, C.A.

Haskell Golf Ball Co. *v.* Hutchinson (1904) 21 R.P.C. 497. *Considered*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

Haskins *v.* Lewis [1931] 2 K.B. 1, 18; 47 T.L.R. 195, C.A. *Applied*, John M. Brown Ltd. *v.* Bestwick [1951] 1 K.B. 21; 66 T.L.R. (Pt. 2) 248; [1950] 2 All E.R. 338, C.A.

Hassanally *v.* Cassim (1957) 59 N.L.R. 160. *Judgment of the Supreme Court of Ceylon reversed*, [1960] A.C. 592; [1960] 2 W.L.R. 607

Hastelow *v.* Jackson (1828) 8 B. & C. 221, 226. *Dictum of Littledale J. considered*, Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127, 131

Hasting *v.* Hasting [1948] P. 68; 63 T.L.R. 564; [1947] 2 All E.R. 744, C.A. *Considered and applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130

Hastings, In re (1892) 61 L.J.Q.B. 654; 8 T.L.R. 683. *Distinguished*, Coles *v.* Coles [1957] P. 68; [1956] 3 W.L.R. 862

Hastings, In re, The Times, July 29, 1958. *Followed*, In re Hastings (No. 3) [1959] Ch. 368; [1959] 1 W.L.R. 807, C.A.

Hastings (No. 2), In re [1959] 1 Q.B. 358; [1958] 3 W.L.R. 768; [1958] 3 All E.R. 625. *Followed*, In re Hastings (No. 3) [1959] Ch. 368; [1959] 2 W.L.R. 454, D.C.

Hastings, In re (No. 3) [1959] Ch. 368; [1959] 2 W.L.R. 454; [1959] 1 All E.R. 698. *Decision of the Divisional Court affirmed* [1959] Ch. 368; [1959] 1 W.L.R. 807, C.A.

Hastings (Lord) *v.* Saddler (1898) 79 L.T. 355. *Referred to*, J. F. Perrott & Co. Ltd. *v.* Cohen [1951] 1 K.B. 705; [1950] 2 All E.R. 939, C.A.

Haswell *v.* Haswell & Sanderson (1859) 8 W.R. 76. *Referred to*, Cox *v.* Cox [1958] 1 W.L.R. 340

Hauk, The (1927) 30 Ll.L.Rep. 32. *Distinguished*, The Carslogie [1951] P. 167, C.A.

Haversham Grange, The [1905] P. 307; 21 T.L.R. 628. *Applied*, The Carslogie [1951] P. 167, C.A.

Hawkins *v.* Coulsdon and Purley Urban District Council [1953] 1 W.L.R. 882; [1953] 2 All E.R. 364. *Affirmed* [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A. *Referred to*, Riden *v.* A. C. Billings & Sons [1957] 1 Q.B. 46; [1956] 3 W.L.R. 705, C.A.

Hawkins *v.* Thames Stevedore Co. and Union Cold Storage Co. [1936] 2 All E.R. 472. *Considered*, Mace *v.* R. & H. Green and Silley Weir and British Steam Navigation Co. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504

Hawks *v.* Hawks and Fenwick (1876) 1 P.D. 137. *Applied*, Kelly *v.* Kelly and Brown [1960] 3 W.L.R. 822

Hawksley's Settlements, In re, Black *v.* Tidy [1934] Ch. 384; 50 T.L.R. 231. *Distinguished*, In re Stirling, decd. Union Bank of Scotland *v.* Stirling [1954] 1 W.L.R. 763

Hay or Bourhill *v.* Young [1943] A.C. 92; [1942] 2 All E.R. 396, H.L. *Applied*, Lewis *v.* Carmarthenshire County Council [1953] 1 W.L.R. 1439, C.A. *Followed*, King *v.* Phillips [1953] 1 Q.B. 429; [1953] 2 W.L.R. 526, C.A.

Hayes, In re [1901] 2 Ch. 529; 17 T.L.R. 740. *Applied*, In re Knight, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Haylock *v.* Sparke (1853) 1 E. & B. 471. *Applied*, O'Connor *v.* Isaacs [1956] 2 Q.B. 288; [1956] 3 W.L.R. 173, C.A.

Haymills Houses *v.* Blake [1955] 1 W.L.R. 237; [1955] 1 All E.R. 592, C.A. *Applied*, Payne *v.* Cooper [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741, C.A.

Haynes *v.* Harwood [1935] 1 K.B. 146; 51 T.L.R. 100, C.A. *Applied*, Baker *v.* T. E. Hopkins & Sons [1958] 1 W.L.R. 993; [1959] 1 W.L.R. 966, C.A.

Haynes *v.* Haynes [1952] P. 272; [1952] 2 T.L.R. 313; [1952] 2 All E.R. 439, D.C. *Applied*, Guiness *v.* Guiness [1956] 1 W.L.R. 259, D.C.

Haynes *v.* Qualcast (Wolverhampton) [1958] 1 W.L.R. 225; [1958] 1 All E.R. 441, C.A. *Applied*, Nolan *v.* Dental Manufacturing Co. [1958] 1 W.L.R. 936. *Decision of Court of Appeal reversed*, Qualcast (Wolverhampton) *v.* Haynes [1959] A.C. 743; [1959] 2 W.L.R. 510, H.L.

Hazeldine *v.* Minister of Housing and Local Government (1958) 172 E.G. 675. *Affirmed* [1959] 1 W.L.R. 1155, C.A.

Head *v.* Head (1823) Turn. & R. 138, L.C. *Dictum of Lord Eldon, applied;* Kanapathapillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Healey *v.* Minister of Health [1954] 3 W.L.R. 222; [1954] 2 All E.R. 580. *Affirmed* [1955] 1 Q.B. 221; [1954] 3 W.L.R. 815, C.A.

Heap *v.* Ind, Coope & Allsopp Ltd. [1940] 2 K.B. 476; 56 T.L.R. 948; [1940] 3 All E.R. 634, C.A. *Applied*, Mint *v.* Good [1951] 1 K.B. 517; 66 T.L.R. (Pt. 2) 1110; [1950] 2 All E.R. 1159, C.A.

Hearn *v.* Morgan (1945) 26 T.C. 478. *Distinguished*, Dale *v.* Inland Revenue Commissioners [1951] Ch. 893; [1951] 2 T.L.R. 522; [1951] 2 All E.R. 517

Heath, In re Stacey *v.* Bird [1945] Ch. 417; 61 T.L.R. 544. *Considered*, In re Overbury decd., Sheppard *v.* Matthews [1955] Ch. 122; [1954] 3 W.L.R. 644

Heath *v.* Heath [1950] P. 193; 66 T.L.R. (Pt. 1) 1093; [1950] 1 All E.R. 877, C.A. *Distinguished*. Spalenkova *v.* Spalenkova [1954] P. 141; [1953] 3 W.L.R. 681

Heath *v.* Pearson [1957] Crim.L.R. 195. *Applied*, Griffin *v.* Squires [1958] 1 W.L.R. 1106, D.C.

Heathcote, In re, Trench *v.* Heathcote [1891] W.N. 10. *Applied*, Thomson Settlement Trusts, In re, Robertson *v.* Makepeace [1953] Ch. 414; [1953] 2 W.L.R. 978

Heatley *v.* Newton (1881) 19 Ch.D. 326. *Considered*, Gould *v.* National Provincial Bank Ltd. [1960] Ch. 337; [1960] 2 W.L.R. 417

Heaven *v.* Pender (1883) 11 Q.B.D. 503, C.A. *Applied*, Pratt *v.* Richards [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90. *Considered*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

Heaven & Kesterton Ltd. *v.* Sven Widaeus A/B [1958] 1 W.L.R. 248; [1958] 1 All E.R. 420. *Considered*, L. E. Cattan Ltd. *v.* A. Michaelides & Co. [1958] 1 W.L.R. 717. *Approved and distinguished*, Perry *v.* Stopher [1959] 1 W.L.R. 415, C.A.

Hebridean Coast (The) [1959] 3 W.L.R. 569; [1959] 3 All E.R. 126. *Decision of Lord Merriman P. affirmed* [1960] 3 W.L.R. 29

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Heilbut, Symons & Co. *v.* Buckleton [1913] A.C. 30, H.L. *Considered and applied*, Routledge *v.* McKay [1954] 1 W.L.R. 615, C.A. *Applied*, Oscar Chess *v.* Williams [1957] 1 W.L.R. 371, C.A.

Helby *v.* Matthews [1895] A.C. 471; 11 T.L.R. 446, H.L. *Considered*, Beesly *v.* Hallwood Estates Ltd. [1960] 1 W.L.R. 549

Helman *v.* Horsham and Worthing Area Assessment Committee [1949] 1 K.B. 62; 64 T.L.R. 486; [1948] 2 All E.R. 588, D.C. *Applied*, Reg. *v.* Battersea, Wandsworth, Mitcham and Wimbledon Rent Tribunal. Ex parte Ambalal Parikh [1957] 1 W.L.R. 410, D.C.

Hemmings *v.* Stoke Poges Golf Club [1920] 1 K.B. 720; 36 T.L.R. 77, C.A. *Considered*, Aglionby *v.* Cohen [1955] 1 Q.B. 558; [1955] 1 W.L.R. 730. *Applied*, Adeyinka Oyekan *v.* Musendiku Adele [1957] 1 W.L.R. 878, P.C.

Hemns *v.* Wheeler [1948] 2 K.B. 61; 64 T.L.R. 236, C.A. *Explained*, Langford Property Co. Ltd. *v.* Batten [1951] A.C. 223; 66 T.L.R. (Pt. 2) 958; [1950] 2 All E.R. 1079, H.L.

Hemsworth *v.* Hemsworth [1946] K.B. 431; 62 T.L.R. 329; [1946] 2 All E.R. 117. *Applied*, The Norseman [1957] P. 224; [1957] 3 W.L.R. 263

Henderson, In re [1950] 1 All E.R. 283, C.A. *Applied*, R. *v.* Governor of Brixton Prison, Ex parte De Demko [1959] 1 Q.B. 268; [1958] 3 W.L.R. 624, C.A. *Approved*, De Demko *v.* Home Secretary [1959] A.C. 654; [1959] 2 W.L.R. 231, H.L.

Henderson *v.* Broomhead (1859) 4 H. & N. 569, Ex. Ch. *Dictum of Lord Halsbury applied*, Hargreaves *v.* Bretherton [1959] 1 Q.B. 45; [1958] 3 W.L.R. 463

Henderson *v.* Henderson [1944] A.C. 49; 60 T.L.R. 113; [1944] 1 All E.R. 44, H.L. *Followed*, Viney *v.* Viney [1951] P. 457; [1951] 2 T.L.R. 705; [1951] 2 All E.R. 204, D.C.; Wells *v.* Wells [1954] 1 W.L.R. 1390, C.A. Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 849, C.A. *Applied*, Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 802, C.A.; Willan *v.* Willan [1960] 1 W.L.R. 624

Henderson *v.* Louttit (James) & Co. (1894) 21 R. (Ct. of Sess.) 674. *Not followed*, In re Hartley Baird [1955] Ch. 143; [1954] 3 W.L.R. 964

Henderson *v.* Watmaugh (Clifford) & Co. (1939) 161 L.T. 233, C.A. *Applied*, Shave *v.* J. W. Lees [1954] 1 W.L.R. 1300, C.A.

Henderson's Conveyance, In re [1940] Ch. 835; 56 T.L.R. 952; [1940] 4 All E.R. 1. *Considered*, In re Truman, Hanbury, Buxton & Co. Ltd.'s Application [1956] 1 Q.B. 261; [1955] 3 W.L.R. 705, C.A. *Applied*, In re Ghey and Galton's Application [1957] 2 Q.B. 650; [1957] 3 W.L.R. 562, C.A.

Hennessy *v.* Wright (No. 3) (1888) 57 L.J.Q.B. 594; 4 T.L.R. 651. *Considered*, Cadam *v.* Beaverbrook Newspapers [1959] 1 Q.B. 413; [1959] 2 W.L.R. 324, C.A.

Henriksen *v.* Grafton Hotel Ltd. [1942] 2 K.B. 184; 58 T.L.R. 271; [1942] 1 All E.R. 678 *Referred to*, Jackson *v.* Laskers [1957] 1 W.L.R. 70

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Hepworth *v.* Pickles [1900] 1 Ch. 108. *Distinguished*, Lloyds Bank *v.* Jones [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5, C.A.; Taylor *v.* Ellis [1960] Ch. 368; [1960] 2 W.L.R. 509

Herbert *v.* McQuade [1902] 2 K.B. 631; 18 T.L.R. 728, C.A. *Considered*, Moorhouse (Inspector of Taxes) *v.* Dooland [1955] Ch. 284; [1955] 2 W.L.R. 96, C.A.; Hochstrasser *v.* Mayes [1960] A.C. 376; [1960] 2 W.L.R. 63. *Applied*, Temperley (Inspector of Taxes) *v.* Smith [1956] 1 W.L.R. 931. *Dictum of Stirling L.J. applied*, Jennings *v.* Kinder (Inspector of Taxes) [1959] Ch. 22; [1958] 3 W.L.R. 215, C.A.

Hermes, The [1951] P. 347; sub nom. The Hermes and Four Hulls [1951] 2 T.L.R. 54. *Affirmed*, sub nom. Schiffahrt-Treuhand, G.m.b.H. *v.* H.M. Procurator-General [1953] A.C. 232; [1953] 2 W.L.R. 209, P.C.

Herod *v.* Herod [1939] P. 11; 54 T.L.R. 1134; [1938] 3 All E.R. 722. *Referred to*, Dryden *v.* Dryden [1953] 1 W.L.R. 952, C.A. *Distinguished*, Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229. *Applied*, Parrock *v.* Parrock [1956] 1 W.L.R. 270; Day *v.* Day [1957] P. 202; [1957] 2 W.L.R. 684

Herschtal *v.* Stewart & Ardern [1940] 1 K.B. 155; 56 T.L.R. 48; [1939] 4 All E.R. 123. *Applied*, Andrews *v.* Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 733

Hersey *v.* Giblett (1854) 18 Beav. 174. *Applied*, Gardner *v.* Blaxill [1960] 1 W.L.R. 752

Hesketh *v.* Birmingham Corporation [1924] 1 K.B. 260, C.A. *Considered*, Pride of Derby and Derbyshire Angling Association *v.* British Celanese [1953] Ch. 149; [1953] 2 W.L.R. 58, C.A.

Hetherington *v.* Amalgamated Collieries of W. A. (1939) 62 C.L.R. 317. *Considered*, James Patrick & Co. Proprietary *v.* Sharpe [1955] A.C. 1; [1954] 3 W.L.R. 539, P.C.

Hetherington's Trustees *v.* Lord Advocate, 1953 S.C. 66. *Reversed*, sub nom. Sneddon *v.* Lord Advocate [1954] A.C. 257; [1954] 2 W.L.R. 211, H.L.

Hetley, In re [1902] 2 Ch. 866. *Distinguished*, In re Young, decd. [1951] Ch. 344; [1951] 1 T.L.R. 262; [1950] 2 All E.R. 1245

Hevawitarane *v.* Dangan Rubber Co. Ltd. (1913) 17 N.L.R. 49. *Considered*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Hewitt *v.* Bonvin [1940] 1 K.B. 188; 56 T.L.R. 43, C.A. *Distinguished*, Ormrod *v.* Crosville Motor Services, Murphie, Third Party [1953] 1 W.L.R. 409, 1120, C.A.

Hewitt *v.* Taylor [1896] 1 Q.B. 287; 12 T.L.R. 192. *Applied*, Preston *v.* Fennell [1951] 1 K.B. 16; [1950] 1 All E.R. 1099, D.C.

Heyman *v.* Darwins [1942] A.C. 356; 58 T.L.R. 169; [1942] 1 All E.R. 337, H.L. *Followed and applied*, Kruse *v.* Questier & Co. [1953] 1 Q.B. 669; [1953] 2 W.L.R. 850. *Applied*, Slade *v.* Metrodent [1953] 2 Q.B. 112; [1953] 2 W.L.R. 1202; Daniels (H. E.) *v.* Carmel Exporters and Importers [1953] 2 Q.B. 242; [1953] 3 W.L.R. 216; In re Phoenix Timber Co. Ltd.'s Application [1958] 2 Q.B. 1; [1958] 2 W.L.R. 574, C.A. *Considered*, Government of Gibraltar *v.* Kenney [1956] 2 Q.B. 410; [1956] 3 W.L.R. 467

Heyworth, In re, The Times, March 23, 1956. *Distinguished*, In re Cockerell's Settlement Trusts [1956] Ch. 372; [1956] 2 W.L.R. 1050

Heyworth's Contingent Reversionary Interest, In re [1956] Ch. 264; [1956] 2 W.L.R. 1044; sub nom. In re Heyworth's Settlements [1956] 2 All E.R. 21. *Distinguished*, In re Meux, decd. Gilmour *v.* Gilmour [1958] Ch. 154; [1957] 3 W.L.R. 378

Hichens *v.* Hichens [1945] P. 23; 61 T.L.R. 302; [1945] 1 All E.R. 451, C.A. *Applied*, Fribance *v.* Fribance [1956] P. 99; [1955] 3 W.L.R. 890. *Dictum of Lord Goddard considered*, Samson *v.* Samson [1960] 1 W.L.R. 190

Hicklin, In re [1914] 2 Ch. 278; 33 T.L.R. 478. *Distinguished*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A.

Hicks *v.* Budge. *See* Budge *v.* Hicks.

Hicks *v.* Faulkner (1878) 8 Q.B.D. 167, 173. *Referred to*, Tims *v.* John Lewis & Co. Ltd. [1951] 2 K.B. 459; [1951] 1 T.L.R. 719; [1951] 1 All E.R. 814, C.A.

Hicks *v.* Gregory (1849) 8 C.B. 378. *Followed*, Ward *v.* Byham [1956] 1 W.L.R. 496, C.A.

Hickton *v.* Hodgson (1913) 30 T.L.R. 221, D.C. *Dicta of Avory J. applied*, Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 647, C.A.

Higgs *v.* Higgs [1935] P. 28; 51 T.L.R. 22, D.C. *Considered and distinguished*, Hickson *v.* Hickson [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308, C.A.

High Road (No. 88), Kilburn, In re [1959] 1 W.L.R. 279; sub nom. High Road (No. 88), Kilburn, Re. Meakers *v.* D. A. W. Consolidated Properties [1959] 1 All E.R. 527. *Considered*, Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275, C.A.

Higham *v.* Havant and Waterloo U. D. C. [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 1 All E.R. 173, D.C. *Affirmed*, [1951] 2 K.B. 527; [1951] 2 T.L.R. 87; [1951] 2 All E.R. 178, C.A.

Hill, In the Estate of, decd., Braham *v.* Haslewood [1948] P. 341; [1948] 2 All E.R. 489. *Applied*, In the Estate of Powe, decd., Powe *v.* Barclays Bank (Powe cited) [1956] P. 110; [1955] 3 W.L.R. 767

Hill, Re, Braham *v.* Haslewood [1948] P. 341; [1948] 2 All E.R. 489. *Applied*, Kelleher *v.* T. Wall & Sons [1958] 2 Q.B. 346; [1958] 3 W.L.R. 236

Hill *v.* Booth [1930] 1 K.B. 381; 46 T.L.R. 50, C.A. *Followed*, Regor Estates Ltd. *v.* Wright [1951] 1 K.B. 689; [1951] 1 T.L.R. 242; [1951] 1 All E.R. 219, C.A.

Hill *v.* Crook (1873) L.R. 6 H.L. 265, H.L. *Applied*, Gilpin, In re, Hutchinson *v.* Gilpin [1954] Ch. 1; [1953] 3 W.L.R. 746

Hill *v.* Fox (1859) 4 H. & N. 359. *Considered*, MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240, C.A.

Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028. *Distinguished*, Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015, C.A.

Hill *v.* Permanent Trustee Company of New South Wales Ltd. [1930] A.C. 720, P.C. *Observations require modification*, In re Duff's Settlement [1951] Ch. 721; [1951] 1 T.L.R. 735; [1951] 1 All E.R. 869. *Distinguished*, In re Duff's Settlement [1951] Ch. 923; [1951] 2 T.L R. 474; [1951] 2 All E.R. 534, C.A.

Hill (orse. Petchey) *v.* Hill [1959] 3 W.L.R. 828; [1959] 3 All E.R. 754. *Not followed*, Ross Smith (orse. Radford) *v.* Ross Smith [1961] P. 39; [1960] 3 W.L.R. 753; [1960] 3 All E.R. 70

Hill *v.* Regem [1945] K.B. 329; 61 T.L.R. 294; [1945] 1 All E.R. 414. *Applied*, J. H. Tucker & Co. *v.* Board of Trade [1955] 1 W.L.R. 655

Hill *v.* Tupper (1863) 2 H. & C. 121. *Distinguished*, In re Ellenborough Park [1956] Ch. 131; [1955] 3 W.L.R. 893, C.A.

Hill (W.) & Son *v.* Tannerhill [1944] K.B. 472; 60 T.L.R. 410. *Distinguished*, In re Nos. 55 & 57, Holmes Road, Kentish Town, Beardmore Motors *v.* Birch Bros. (Properties) [1959] Ch. 298; [1958] 2 W.L.R. 975

Hill *v.* William Hill (Park Lane) Ltd. [1949] A.C. 530; 65 T.L.R. 471; [1949] 2 All E.R. 452, H.L. *Considered*, In re Browne [1960] 1 W.L.R. 692

Hillier's Trusts, In re, Hillier *v.* Attorney-General [1954] 1 W.L.R. 9; [1953] 2 All E.R. 1547. *Varied*, In re Hillier's Trusts, Hillier *v.* Attorney-General [1954] 1 W.L.R. 700, *sub nom.* In re Hillier [1954] 2 All E.R. 59, C.A. *Distinguished*, In re British School of Egyptian Archaeology, Murray *v.* Public Trustee [1954] 1 W.L.R. 546. *Explained*, In re Ulverston and District New Hospital Building Trusts [1956] Ch. 622; [1956] 3 W.L.R. 559, C.A.

Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523; [1955] 3 All E.R. 365, C.A. *Considered*, Addiscombe Garden Estates *v.* Crabbe [1957] 2 Q.B. 615; [1957] 2 W.L.R. 965

Hillyer *v.* St. Bartholomew's Hospital [1909] 2 K.B. 820; 25 T.L.R. 762, C.A. *Considered*, Cassidy *v.* Ministry of Health [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; [1951] 1 All E.R. 574, C.A.

Hilton *v.* Sutton Steam Laundry [1946] K.B. 65; [1945] 2 All E.R. 425, C.A. *Distinguished*, Stebbings *v.* Holst & Co. [1953] 1 W.L.R. 603; Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445, C.A. *Applied*, Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015, C.A.

Hinckley and South Leicestershire Permanent Benefit Building Society *v.* Freeman [1941] Ch. 32; 57 T.L.R. 71; [1940] 4 All E.R. 212. *Approved*, In re Yates Settlement Trusts, Yates *v.* Yates [1954] 1 W.L.R. 564, C.A. *Considered*, Robertson *v.* Cilia [1956] 1 W.L.R. 1503. *Applied*, Braithwaite *v.* Winwood [1960] 1 W.L.R. 1257

Hinckley U. D. C. *v.* West Midlands Gas Board [1951] Ch. 335; [1951] 1 T.L.R. 146; [1951] 1 All E.R. 160. *Affirmed* [1951] Ch. 577; [1951] 1 T.L.R. 771; [1951] 1 All E.R. 788, C.A.

Hinde *v.* Hinde [1953] 1 W.L.R. 175; [1953] 1 All E.R. 171, C.A. *Applied*, Sugden *v.* Sugden [1957] P. 120; [1957] 2 W.L.R. 211, C.A.

Hindle *v.* Birtwistle [1897] 1 Q.B. 192; 13 T.L.R. 129. *Applied*, Williams *v.* Sykes & Hamson [1955] 1 W.L.R. 1181, C.A. *Affirmed*, Summers (John) & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L. *Approved*, Close *v.* Steel Co. of Wales Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401

Hindley *v.* Hindley [1957] 1 W.L.R. 898; [1957] 2 All E.R. 653. *Approved*, Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A.

Hines *v.* Eastern Counties Farmers' Co-operative Association [1931] A.C. 446; 47 T.L.R. 308. *Distinguished*, Wilson Brothers *v.* Edwards (Valuation Officer); Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1958] 1 W.L.R. 955, C.A.

Hines *v.* Winnick [1947] Ch. 708; 63 T.L.R. 520; [1947] 2 All E.R. 517. *Applied*, Forbes *v.* Kemsley Newspapers Ltd. [1951] 2 T.L.R. 656. *Distinguished*, Serville *v.* Constance [1954] 1 W.L.R. 487

Hip Foong Hong *v.* H. Neotia & Co. [1918] A.C. 888. *Considered*, Byatt *v.* Byatt [1958] 1 W.L.R. 1, D.C.

Hirji Mulji *v.* Cheong Yue Steamship Co. [1926] A.C. 497; 42 T.L.R. 359, P.C. *Not followed*. Kruse *v.* Questier & Co. [1953] 1 Q.B. 669; [1953] 2 W.L.R. 850. *Considered*, Société Franco Tunisienne d'Armament *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Hitchcock *v.* W. B. and F. E. B. [1952] 2 Q.B. 561; [1952] 1 T.L.R. 1550; [1952] 2 All E.R. 119. *Distinguished*, In re D., An Infant [1958] 1 W.L.R. 197, C.A.

Hoare & Co., In re (1933) 150 L.T. 374. *Distinguished*, In re Bugle Press Ltd. [1961] Ch. 270; [1960] 3 W.L.R. 956

Hobbs *v.* Guardian Fire and Life Assurance Co. (1886) 12 S.C.R. (Can.) 631. *Considered*, Boiler Inspection and Insurance Company of Canada *v.* Sherwin-Williams Company of Canada Ltd. [1951] A.C. 319; [1951] 1 T.L.R. 497, P.C.

Hobbs *v.* Tinling [1929] 2 K.B. 1; 45 T.L.R. 328, C.A. *Distinguished*, Beevis *v.* Dawson [1956] 2 Q.B. 165; [1955] 3 W.L.R. 162. *Applied*, Speidel *v.* Plato Films Ltd. [1960] 3 W.L.R. 391

Hobbs *v.* Winchester Corporation [1910] 2 K.B. 471; 26 T.L.R. 557, C.A. *Referred to*, R. *v.* St. Margarets Trusts [1958] 1 W.L.R. 522, C.C.A.

Hobourn Aero Components Ltd.'s Air Raid Distress Fund, In re [1946] Ch. 194; 62 T.L.R. 813; [1946] 1 All E.R. 501, C.A. *Approved*, Oppenheim *v.* Tobacco Securities Trust Co. Ltd. [1951] A.C. 297; [1951] 1 T.L.R. 118; [1951] 1 All E.R. 31, H.L.

Hochstrasser *v.* Mayes [1959] Ch. 22; [1958] 3 W.L.R. 218; [1958] 3 All E.R. 285. *Decision of Court of Appeal affirmed* [1960] A.C. 376; [1960] 2 W.L.R. 63

Hodge, In re [1943] Ch. 300; 59 T.L.R. 373; [1943] 2 All E.R. 704. *Applied*, In re Flower's Settlement [1957] 1 W.L.R. 401, C.A.

Hodge's Policy, In re, Hodge *v.* Inland Revenue Commissioners [1957] Ch. 339; [1957] 2 W.L.R. 787; [1957] 2 All E.R. 219. *Decision of Harman J. affirmed* [1958] Ch. 239; [1957] 3 W.L.R. 959, C.A.

Hodges *v.* Webb [1920] 2 Ch. 70; 36 T.L.R. 311. *Applied*, Huntley *v.* Thornton [1957] 1 W.L.R. 323

Hodgson, In re. Weston *v.* Hodgson [1913] 1 Ch. 34. *Followed*, In re Shaw's Settlement [1951] Ch. 833; [1951] 1 T.L.R. 470; [1951] 1 All E.R. 656; In re Rees, decd. Lloyds Bank *v.* Rees [1954] Ch. 202; [1954] 2 W.L.R. 59

Hodgson *v.* British Arc Welding Co. [1946] K.B. 302; 62 T.L.R. 275; [1946] 1 All E.R. 95. *Approved*, Wilson *v.* Tyneside Window Cleaning Co. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900, C.A.

Hodgson *v.* Lakeman [1943] 1 K.B. 15, C.C.A. *Distinguished*, Regina *v.* Rowe [1955] 1 Q.B. 573; [1955] 2 W.L.R. 1056, C.C.A.

Hodson's Settlement, In re, Brookes *v.* Attorney-General [1939] Ch. 343; 55 T.L.R. 357; [1939] 1 All E.R. 196, C.A. *Followed*, In re Brassey's Deed of Appointment [1951] Ch. 979; [1951] 2 T.L.R. 461; [1951] 2 All E.R. 353, C.A. *Distinguished*, Coutts & Co. *v.* Inland Revenue Commissioners [1953] A.C. 267; [1953] 2 W.L.R. 364, H.L. *Considered*, Child's Trustee Co. *v.* Inland Revenue Commissioners [1960] Ch. 534; [1960] 2 W.L.R. 903

Hoey, In re (1918) 88 L.J.K.B. 273. *Applied*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Hogton *v.* Hogton (1933) 103 L.J.P. 17; 50 T.L.R. 18, D.C. *Applied*, Bradshaw *v.* Bradshaw [1956] P. 274n.; [1955] 3 W.L.R. 966, D.C.

Holden (Isaac) & Sons *v.* Inland Revenue Commissioners (1924) 12 T.C. 768. *Applied*, Severne (Inspector of Taxes) *v.* Dadswell [1954] 1 W.L.R. 1204

Holdman *v.* Hamlyn [1943] 1 K.B. 664; [1943] 2 All E.R. 137, C.A. *Followed*, Gough *v.* National Coal Board [1954] 1 Q.B. 191; [1953] 3 W.L.R. 900, C.A.

Hole *v.* Chard Union [1894] 1 Ch. 293, C.A. *Distinguished*, National Coal Board *v.* Galley [1958] 1 W.L.R. 17, C.A.

Holland, In re, Holland *v.* Clapton [1914] 2 Ch. 595. *Applied*, In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

Holland *v.* Hodgson (1872) L.R. 7 C.P. 328, Ex.Ch. *Referred to*, Billing *v.* Pill [1954] 1 Q.B. 70; [1953] 3 W.L.R. 758, D.C.

Holland and Colombo Trading Society *v.* Segu Mohamed [1954] 2 Lloyd's Rep. 45. *Applied*, British Imex Industries *v.* Midland Bank [1958] 1 Q.B. 542; [1958] 2 W.L.R. 104

Hollingsworth *v.* Hollingsworth [1952] P. 277; [1952] 2 T.L.R. 202; [1952] 2 All E.R. 284. *Considered*, Levett *v.* Levett and Smith [1957] P. 156; [1957] 2 W.L.R. 484, C.A.

Hollington *v.* Hewthorn & Co. [1943] 1 K.B. 587; 59 T.L.R. 321; [1943] 2 All E.R. 35, C.A. *Distinguished*, Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782. *Applied*, Edwards *v.* Edwards [1958] P. 235; [1958] 2 W.L.R. 956

Hollington Bros. Ltd. *v.* Rhodes [1951] 2 T.L.R. 691. *Considered*, Beesly *v.* Hallwood Estates Ltd. [1960] 1 W.L.R. 549, 562

Hollinshead *v.* Hazleton [1916] 1 A.C. 428; 32 T.L.R. 177, H.L. *Considered*, In re Tennants' Application [1956] 1 W.L.R. 874, C.A.

Hollis Bros. & Co. Ltd. *v.* White Sea Timber Trust Ltd. [1936] 3 All E.R. 895. *Considered*, Hong Guan & Co. Ltd. *v.* R. Juhabhoy & Sons Ltd. [1960] A.C. 684; [1960] 2 W.L.R. 754

Hollole, In re [1945] V.L.R. 295. *Approved*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Holloway's Trusts, In re (1909) 26 T.L.R. 62. *Distinguished*, In re Jewish Orphanage Charity Endowments Trusts [1960] 1 W.L.R. 344.

Holman *v.* George Elliot & Co. [1944] K.B. 591; 60 T.L.R. 394; [1944] 1 All E.R. 639. *Not followed*, E. *v.* C. Ex parte E. [1959] 1 W.L.R. 692

Holman *v.* Johnson (1775) 1 Cowp. 341. *Explained*, Delhi Electric Supply and Traction Co., In re [1954] Ch. 131; [1953] 3 W.L.R. 1085, C.A. *Considered*, Government of India, Ministry of Finance (Revenue Division) *v.* Taylor [1955] A.C. 491; [1955] 2 W.L.R. 303, H.L. *Distinguished, and dictum of Lord Mansfield C.J. disapproved*, Regazzoni *v.* K. C. Sethia (1944) [1956] 2 Q.B. 490; [1956] 3 W.L.R. 80, C.A. *Distinguished*, Regazzoni *v.* Sethia (K. C.) (1944) [1958] A.C. 301; [1957] 3 W.L.R. 752, H.L.

Holmes *v.* Director of Public Prosecutions [1946] A.C. 588; 62 T.L.R. 466; [1946] 2 All E.R. 124, H.L. *Applied*, Bedder *v.* Director of Public Prosecutions [1954] 1 W.L.R. 1119, H.L.; Regina *v.* McCarthy [1954] 2 Q.B. 105; [1954] 2 W.L.R. 1044, C.C.A. *Dictum of Viscount Simon applied*, R. *v.* Cunningham [1959] 1 Q.B. 288; [1959] 2 W.L.R. 63, C.A.

Holmes *v.* Keyes [1958] 2 W.L.R. 540; [1958] 1 All E.R. 721. *Decision of Danckwerts J. reversed* [1959] Ch. 199; [1958] 2 W.L.R. 772, C.A.

Holmes *v.* Mather (1875) L.R. 10 Ex. 261. *Followed*, National Coal Board *v.* J. E. Evans & Co. (Cardiff) Ltd. and Maberley Parker Ltd. [1951] 2 K.B. 861; [1951] 2 T.L.R. 415; [1951] 2 All E.R. 310, C.A. *Applied*, Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Holt *v.* Cadogan (Lord) (1930) 46 T.L.R. 271. *Approved*, Etam *v.* Forte [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719

Holt *v.* Dyson [1951] 1 K.B. 364; 66 T.L.R. (Pt. 2) 1009; [1950] 2 All E.R. 840, D.C. *Distinguished*, Sandland *v.* Neale [1956] 1 Q.B. 241; [1955] 3 W.L.R. 689, D.C.

Holy Trinity, Woolwich, In re the Church of the [1949] P. 369. *Considered*, In re St. Saviour's Church, Walthamstow [1951] P. 147

Home Remedies, In re [1943] Ch. 1; 59 T.L.R. 31; [1942] 2 All E.R. 552. *Distinguished*, In re B. Karsberg [1956] 1 W.L.R. 58, C.A.

Hong *v.* A. & R. Brown [1948] 1 K.B. 515; [1948] 1 All E.R. 185; sub nom. Wong Kwok Hong *v.* Brown (H. & R.), Ltd. & Runcimans (London), 64 T.L.R. 132, C.A. *Considered*, Baylis, Baxter *v.* Sabath [1958] 1 W.L.R. 529, C.A.; Mayer *v.* Harte [1960] 1 W.L.R. 770. *Applied*, Wagman *v.* Vare Motors [1959] 1 W.L.R. 853, C.A.

Hontestroom, The [1927] A.C. 37; 42 T.L.R. 741, H.L. *Considered*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C. *Applied*, The Simandra [1956] 1 W.L.R. 691

Hood-Barrs *v.* Inland Revenue Commissioners [1947] W.N. 12; [1946] 2 All E.R. 768. *Applied*, Yates (Inspector of Taxes) *v.* Starkey [1951] Ch. 45, 465; [1951] 1 T.L.R. 661; [1951] 1 All E.R. 732, C.A. *Approved*, Thomas *v.* Marshall (Inspector of Taxes) [1953] A.C. 543; [1953] 2 W.L.R. 944, H.L.

Hood-Barrs *v.* Inland Revenue Commissioners [1955] T.R. 347. *Affirmed* [1957] 1 W.L.R. 529, H.L.

Hookey, Ex parte. *See* In re Risca Coal & Iron Co.

Hooper, In re. Phillips *v.* Steel [1944] Ch. 171; 60 T.L.R. 161. *Dicta of Uthwatt J. applied*, In re Batley, decd. [1951] Ch. 558; [1951] 1 T.L.R. 935, C.A.

Hooper *v.* Hooper, *The Times*, October 15, 1953. *Applied*, Key *v.* Key and Staples [1957] 1 W.L.R. 220

Hooper's 1949 Settlement, In re [1955] T.R. 1. *Considered*, In re Eden, decd. [1957] 1 W.L.R. 789; In re Sayer. MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 263

Hope *v.* Great Western Railway Co. [1937] 2 K.B. 130; 53 T.L.R. 399; [1937] 1 All E.R. 625, C.A. *Applied*, Pease *v.* George [1960] 1 W.L.R. 427

Hope *v.* Hope (1854) 4 De G.M. & G. 328, L.C. *Applied*, Harben *v.* Harben [1957] 1 W.L.R. 262

Hopkins *v.* Hopkins [1951] P. 116; 66 T.L.R. (Pt. 2) 896; [1950] 2 All E.R. 1035. *Followed*, Stransky *v.* Stransky [1954] P. 428; [1954] 3 W.L.R. 123

Hopkins *v.* Tanqueray (1854) 15 C.B. 130. *Explained and distinguished*, Harling *v.* Eddy [1951] 2 K.B. 739; [1951] 2 T.L.R. 245; [1951] 2 All E.R. 212, C.A.

Hopkinson, In re [1949] W.N. 29; 65 T.L.R. 108; [1949] 1 All E.R. 346. *Distinguished*, In re McDougall, decd. Thompson *v.* Fitzgerald [1957] 1 W.L.R. 82

Hopwood *v.* Rolls-Royce Ltd. (1947) 176 L.T. 517. *Dicta of Lord Greene M.R. applied*, Dorman, Long & Co. Ltd. *v.* Hillier [1951] 1 All E.R. 357, D.C.

Horn *v.* Minister of Health [1937] 1 K.B. 164, 186; [1936] 2 All E.R. 1299. *Dictum of Scott L.J. considered*, Reg. *v.* Registrar of Building Societies, Ex parte A Building Society, C.A. [1960] 1 W.L.R. 669

Horn *v.* Sunderland Corporation [1941] 2 K.B. 26; 57 T.L.R. 404; [1941] 1 All E.R. 480, C.A. *Followed*, Harvey *v.* Crawley Development Corporation [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332, C.A. *Applied*, Personal Representatives of Tull, decd. *v.* Secretary of State for Air [1957] 1 Q.B. 523; [1957] 2 W.L.R. 346, C.A.

Hornsby *v.* Maynard [1925] 1 K.B. 514; 41 T.L.R. 102, D.C. *Dicta of Shearman and Salter JJ. doubted*, Montagu *v.* Browning [1954] 1 W.L.R. 1039, C.A.

Horsfall, Ex parte (1827) 7 B. & C. 528. *Distinguished*, Chantrey Martin *v.* Martin [1953] 2 Q.B. 286; [1953] 3 W.L.R. 459, C.A.

Horton *v.* Horton [1948] W.N. 3; 64 T.L.R. 62; [1947] 2 All E.R. 871, H.L. *Applied*, S. *v.* S. (orse C.) [1956] P. 1; [1955] 2 W.L.R. 246; Jodla *v.* Jodla [1960] 1 W.L.R. 236

Horton *v.* Horton [1960] 1 All E.R. 503. *Considered*, Storey *v.* Storey [1960] 3 W.L.R. 653

Horton *v.* London Graving Dock Co. [1950] 1 K.B. 421; 66 T.L.R. (Pt. 1) 246; [1950] 1 All E.R. 180, C.A.; reversed, sub nom. London Graving Dock Co. Ltd. *v.* Horton [1951] A.C. 737; [1951] 1 T.L.R. 949; [1951] 2 All E.R. 1, H.L. *Applied*, Pratt *v.* Richards [1951] 2 K.B. 208; [1951] 1 T.L.R. 515; [1951] 1 All E.R. 90

Horwood *v.* Statesman Publishing Co. (1929) 98 L.J.K.B. 450, 453; 45 T.L.R. 237, C.A. *Dictum of Scrutton L.J. applied*, Daws *v.* Daily Sketch and Daily Graphic Ltd. [1960] 1 W.L.R. 126

Hosegood *v.* Hosegood (1950) 66 T.L.R. (Pt. 1) 735. *Judgment of Denning L.J. dissented from*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C. *Dictum of Denning L.J. considered*, Lang *v.* Lang [1955] A.C. 402; [1954] 3 W.L.R. 762, P.C. Director of Public Prosecutions *v.* Smith [1961] A.C. 290; [1960] 3 W.L.R. 546

Hosking *v.* De Havilland Aircraft Co. [1949] 1 All E.R. 540. *Considered*, Murfin *v.* United Steel Companies (Power Gas Corporation, Third Party) [1957] 1 W.L.R. 105, C.A.

Hotchin *v.* Hindmarsh [1891] 2 Q.B. 181; 7 T.L.R. 513, D.C. *Applied*, Melias *v.* Preston [1957] 2 Q.B. 380; [1957] 3 W.L.R. 42, D.C.

Hotchkin's Settled Estates, In re (1887) 35 Ch.D. 41; 3 T.L.R. 401, C.A. *Referred to*, In re Sandbach, decd. [1951] Ch. 791; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971, C.A.

Houghton *v.* Trafalgar Insurance Co. [1953] 2 Lloyd's Rep. 18. *Affirmed* [1954] 1 Q.B. 247; [1953] 3 W.L.R. 985, C.A.

Houlder *v.* Weir [1905] 2 K.B. 267; 21 T.L.R. 503. *Applied*, Compania Crystal de Vapores of Panama *v.* Herman & Mohatta (India) [1958] 2 Q.B. 196; [1958] 3 W.L.R. 36

Household *v.* Grimshaw [1953] 1 W.L.R. 710; [1953] 2 All E.R. 12. *Distinguished*, Mitchell and Edon *v.* Ross [1960] Ch. 145; [1959] 3 W.L.R. 550

Houston *v.* Buchanan [1940] 2 All E.R. 179. *Applied*, Shave *v.* Rosner [1954] 2 Q.B. 113; [1954] 2 W.L.R. 1057, D.C.

Houston *v.* Burns [1918] A.C. 337; 34 T.L.R. 219, H.L. *Considered*, In re Endacott, decd. [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Houstoun *v.* Sligo (Marquis) (1885) 29 Ch.D. 448; 1 T.L.R. 217; *affirmed* 29 Ch.D. 458, C.A. *Considered*, Bell *v.* Holmes [1956] 1 W.L.R. 1360

Howard *v.* Howard [1945] P. 1; 61 T.L.R. 189; [1945] 1 All E.R. 91, C.A. *Considered and applied*, J. *v.* J. [1955] P. 215; [1955] 2 W.L.R. 973

Howard *v.* Ingersoll, 54 U.S. 381. *Applied*, Jones *v.* Mersey River Board [1958] 1 Q.B. 143; [1957] 3 W.L.R. 790, C.A.

Howard *v.* Pickford Tool Co. [1951] 1 K.B. 417, C.A. *Considered*, British Electrical and Associated Industries (Cardiff) *v.* Patley Pressings [1953] 1 W.L.R. 280

Howard Undertaking Co. Ltd. *v.* Fidelity Life Association (1933) 59 S.W. (2nd) 746. *Applied*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

Howard's Settled Estates, In re [1892] 2 Ch. 233. *Distinguished*, In re Sandbach, decd. [1951] Ch. 294; 66 T.L.R. (Pt. 2) 1089; [1950] 2 All E.R. 1195, C.A.; [1951] Ch. 791; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971

Howe *v.* Dartmouth (Earl) (1802) 7 Ves. 137, L.C. *Referred to*, In re Garth, decd. Phillips *v.* Simpson [1957] Ch. 323; [1957] 2 W.L.R. 961

Howe *v.* Smith (1884) 27 Ch.D. 89, C.A. *Considered*, Smith *v.* Hamilton [1951] Ch. 174; 66 T.L.R. (Pt. 2) 937; [1950] 2 All E.R. 928

Howe (Earl) *v.* Inland Revenue Commissioners [1919] 2 K.B. 336; 35 T.L.R. 461, C.A. *Observations applied*, Bingham *v.* Inland Revenue Commissioners [1956] Ch. 95; [1955] 3 W.L.R. 664

Howell *v.* Young (1826) 5 B. & C. 259. *Applied*, Archer *v.* Catton & Co. [1954] 1 W.L.R 775

Howkins *v.* Jardine [1951] 1 K.B. 614; [1951] 1 T.L.R. 135; [1951] 1 All E.R. 320. *Applied* Monson *v.* Bound [1954] 1 W.L.R. 1321

Hoystead *v.* Taxation Commissioner [1926] A.C. 155; 42 T.L.R. 207, P.C. *Applied*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659. *Distinguished*, Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404

Hubbard (orse. Rogers) *v.* Hubbard [1901] P. 157, C.A. *Applied*, Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A.

Hubert *v.* Treherne (1842) 3 M. & G. 743. *Applied*, Leeman *v.* Stocks [1951] Ch. 941; [1951] 2 T.L.R. 622; [1951] 1 All E.R. 1043

Hubert *v.* Turner (1842) 4 Scott N.R. 486. *Applied*, Leeman *v.* Stocks [1951] Ch. 941; [1951] 2 T.L.R. 622; [1951] 1 All E.R. 1043

Huddersfield Police Authority *v.* Watson [1947] K.B. 842; 63 T.L.R. 415; [1947] 2 All E.R. 193, D.C. *Considered*, Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 673, C.A.

Hudson *v.* Bilton (1856) 6 E. & B. 565. *Applied*, Bank of New South Wales *v.* Laing [1954] A.C. 135; [1954] 2 W.L.R. 25, P.C.

Hudson *v.* Hudson [1948] P. 292; 64 T.L.R. 258; [1948] 1 All E.R. 773. *Distinguished*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659. *Considered*, Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 139, C.A.

Hudson (John) & Co. *v.* Kirkness [1953] 1 W.L.R. 749; [1953] 2 All E.R. 64. *Followed*, Bramford's Road Transport *v.* Evans [1953] 1 W.L.R. 1385. *Affirmed* [1954] 1 W.L.R. 40; [1954] 1 All E.R. 29. *Affirmed*, sub nom. Kirkness *v.* Hudson (John) & Co. [1955] A.C. 696; [1955] 2 W.L.R. 1135, H.L.

Hudson's Bay Co. *v.* Domingo Mumbru Societa Anonyma (1922) 10 Ll.L.Rep. 476. *Distinguished*, Minister of Food *v.* Reardon Smith Line Ltd. [1951] 2 T.L.R. 1158; Agrimpex Hungarian Trading Company for Agricultural Products *v.* Sociedad Financiera De Bienes Raices S.A. [1957] 1 W.L.R. 1229

Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1958] 1 W.L.R. 955; [1958] 3 All E.R. 243. *Decision of the Court of Appeal reversed* [1961] A.C. 926; [1959] 3 W.L.R. 317, H.L.

Hudsons *v.* De Halpert (1913) 29 T.L.R. 257, D.C. *Overruled*, Baylis, Baxter *v.* Sabath [1958] 1 W.L.R. 529, C.A.

Huggins, In re, ex parte Huggins (1882) 21 Ch.D. 85, C.A. *Applied*, In re Tennant's Application [1956] 1 W.L.R. 128, 874, C.A.

Hughes *v.* Bank of New Zealand [1938] A.C. 366; 54 T.L.R. 542; 21 T.C. 472; [1938] 1 All E.R. 778, H.L. *Applied*, Cenlon Finance Co. Ltd. *v.* Naylor [1960] 3 W.L.R. 690. *Considered*, Mitchell *v.* Ross [1960] Ch. 498; [1960] 2 W.L.R. 766

Hughes *v.* Hughes [1958] 2 W.L.R. 934; [1958] 2 All E.R. 366. *Decision of Wrangham J. reversed* [1958] P. 224; [1958] 3 W.L.R. 500, C.A.

Hughes *v.* Metropolitan Railway Co. (1877) 2 App.Cas. 439, H.L. *Considered*, Tool Metal Manufacturing Co. *v.* Tungsten Electric Co. [1955] 1 W.L.R. 761, H.L.

Hughes *v.* Percival (1883) 8 App.Cas. 443. *Distinguished*, Green *v.* Fibreglass [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71

Hughes *v.* Pump House Hotel Co. [1902] 2 K.B. 190; 18 T.L.R. 654, C.A. *Explained*, Walter & Sullivan *v.* J. Murray & Sons [1955] 2 Q.B. 584; [1955] 2 W.L.R. 919, C.A.

Hughes and Vale Pty. *v.* State of New South Wales. Australian Commonwealth, Interveners (1953) 87 C.L.R. 49. *Reversed* [1955] A.C. 241; [1954] 3 W.L.R. 824; [1954] 3 All E.R. 607, P.C. *Referred to*, Motor Transport Commissioner *v.* Antill Ranger & Co. Pty. State of New South Wales *v.* Edmond T. Lennon Pty. [1956] A.C. 527; [1956] 3 W.L.R. 499, P.C.

Humber Ironworks and Shipbuilding Co., In re (1869) 4 Ch.App. 643, L.JJ. *Applied*, In re Fine Industrial Commodities [1956] Ch. 256; [1955] 3 W.L.R. 941

Humfrey *v.* Dale (1857) 7 E. & B. 266, Ex.Ch. *Applied*, London Export Corporation *v.* Jubilee Coffee Roasting [1958] 1 W.L.R. 661, C.A.

Humphrey *v.* Williams (1860) 29 L.J.P. & M. 62. *Considered*, Pickett *v.* Pickett (orse. Moss) [1951] P. 267; [1951] 1 T.L.R. 585; [1951] 1 All E.R. 614

Hungerford Market Co. *v.* City Steamboat Co. (1860) 3 E. & E. 365. *Considered*, Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990, C.A.

Hunt *v.* Luck [1901] 1 Ch. 45, 49. *Applied*, Weg Motors Ltd. *v.* Hales [1961] Ch. 176; [1960] 3 W.L.R. 964

Hunter *v.* Hanley, 1955 S.C. 200. *Applied*, Bolam *v.* Friern Barnet Hospital Management Committee [1957] 1 W.L.R. 582

Hunter (Sir G. B.) (1922) "C" Trust, Trustees *v.* Inland Revenue Commissioners (1929) 45 T.L.R. 344. *Applied*, In re Shaw, decd. [1957] 1 W.L.R. 730

Huntly (Marquis), In re [1917] 2 K.B. 729, D.C. *Considered*, In re Kouyoumdjian, ex parte The Trustee *v.* Lord [1956] 1 W.L.R. 558

Huntly (Marchioness) *v.* Gaskell [1905] 2 Ch. 656; 22 T.L.R. 20, C.A. *Distinguished*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028

Hurd, In re, In re Curry, Stott *v.* Stott [1941] Ch. 196; 51 T.L.R. 287; [1941] 1 All E.R. 238. *Followed*, Basioli, decd., In re, McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

Hurst *v.* Hurst (1882) 21 Ch.D. 278, C.A. *Applied*, Rooke, In re, Rooke *v.* Rooke [1953] Ch. 716; [1953] 2 W.L.R. 1176

Hutchinson *v.* Hutchinson (sub nom. H. *v.* H.) 63 T.L.R. 645; [1947] 2 All E.R. 792. *Considered*, Short *v.* Short [1960] 1 W.L.R. 833

Hutchinson *v.* London & North Eastern Railway Co. [1942] 1 K.B. 481; 58 T.L.R. 174; [1942] 1 All E.R. 330. *Considered*, Cade *v.* British Transport Commission [1957] 1 W.L.R. 948, C.A.; [1958] 3 W.L.R. 118, H.L. *Distinguished*, Hicks *v.* British Transport Commission [1958] 1 W.L.R. 493, C.A.

Hutchinson's Trusts, In re (1882) 21 Ch.D. 811. *Considered*, McDonnell *v.* Neil [1951] A.C. 342; [1951] 1 T.L.R. 642, P.C.

Hutter *v.* Hutter (orse. Perry) [1944] P. 95; 60 T.L.R. 541; [1944] 2 All E.R. 368. *Approved and followed*, Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1955] 3 W.L.R. 188, 850, C.A.

Hutton *v.* Watling [1948] 1 Ch. 26; 64 T.L.R. 326; [1948] 1 All E.R. 803 (C.A.). *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R 862

Hyams *v.* Stuart King [1908] 2 K.B. 596; 24 T.L.R. 675, C.A. *Considered*, In re Browne [1960] 1 W.L.R. 669

Hyde *v.* Hyde (1888) 13 P.D. 166; 4 T.L.R. 586, C.A. *Applied*, Andrews *v.* Andrews and Sullivan and Sullivan [1958] P. 217; [1958] 2 W.L.R. 942

Hyde *v.* Hyde [1948] P. 198; 64 T.L.R. 105; [1948] 1 All E.R. 362. *Distinguished*, Mosey *v.* Mosey and Barker [1956] P. 26; [1955] 2 W.L.R. 1118. *Applied*, Sugden *v.* Sugden [1956] 3 W.L.R. 1010; In re Richardson's Will Trusts, Public Trustee *v.* Llewellyn Evans' Trustee [1958] Ch. 504; [1958] 2 W.L.R. 414

Hyde *v.* Hyde and Woodmansee (1866) L.R. 1 P. & M. 130. *Applied*, Risk (orse. Yerburgh) *v.* Risk [1951] P. 50; 66 T.L.R. (Pt. 2) 918; [1950] 2 All E.R. 973; Sowa *v.* Sowa [1960] 3 W.L.R. 733

Hyde's Conveyance, In re (1952) 102 L.J. 58. *Applied*, Jones *v.* Challenger [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695

Hyderabad (Nizam of) *v.* Jung [1956] 3 W.L.R. 667; [1956] 3 All E.R. 311. *Reversed* [1957] Ch. 185; [1957] 2 W.L.R. 217; [1957] 1 All E.R. 257, C.A. *Reversed*, sub nom. Rahimtoola *v.* Nizam of Hyderabad [1958] A.C. 379; [1957] 3 W.L.R. 884, H.L.

Hylton *v.* Wright. *See* In re North Devon and West Somerset Relief Fund Trusts.

Hyman *v.* Hyman [1929] A.C. 601; 45 T.L.R. 444, H.L. *Followed*, Combe *v.* Combe [1951] 2 K.B. 215; [1951] 1 T.L.R. 811; [1951] 1 All E.R. 767, C.A. *Applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 129. *Distinguished*, Russell *v.* Russell [1956] P. 283; [1956] 2 W.L.R. 545, C.A.

Ideal Bedding Co. *v.* Holland [1907] 2 Ch. 157; 23 T.L.R. 467. *Considered*, Stevens *v.* Hutchinson [1953] Ch. 299; [1953] 2 W.L.R. 545

Idewu Inasa *v.* Sakariyawo Oshodi [1934] A.C. 99; 50 T.L.R. 168, P.C. *Referred to*, Adeyinika Oyek An *v.* Musendiku Adele [1957] A.C. 176; [1957] 2 W.L.R. 281

Igra *v.* Igra [1951] P. 404; [1951] 2 T.L.R. 670. *Approved*, Har-Shefi *v.* Har-Shefi [1953] P. 161; [1953] 2 W.L.R. 690, C.A. *Applied*, Wood *v.* Wood [1956] 3 W.L.R. 887, D.C.; [1957] P. 254; [1957] 2 W.L.R. 827, C.A. *Followed*, Arnold *v.* Arnold [1957] P. 237; [1957] 2 W.L.R. 367

Ikala (The) [1929] A.C. 196. *Distinguished*, The Hebridean Coast [1960] 3 W.L.R. 29

Imperial Gas Light and Coke Co. (Directors) *v.* Broadbent (1859) L.R. 7 H.L.Cas. 600. *Applied*, Armstrong *v.* Sheppard and Short [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84, C.A.

Imperial Smelting Corporation *v.* Joseph Constantine Steamship Line (1940) 66 Ll.L.Rep. 147, 165. *Considered*, Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 510

Imperial Tobacco Co. (Newfoundland) *v.* Duffy [1918] A.C. 181, P.C. *Distinguished*, In re Vitamins Application [1956] 1 W.L.R. 2

Imperial Tobacco Company (of Great Britain and Ireland) Ltd. *v.* Pierson [1959] 1 W.L.R. 761; [1959] 3 All E.R. 313. *Decision of the Court of Appeal reversed* [1961] A.C. 463; [1960] 3 W.L.R. 235

Incandescent Gas Light Co. *v.* Brogden (1899) 16 R.P.C. 179. *Applied*, Dunlop Rubber Co. *v.* Longlife Battery Depot (a Firm) [1958] 1 W.L.R. 1033

Income Tax Commissioners *v.* Gibbs [1942] A.C. 402; [1942] 1 All E.R. 415. *Applied*, Stevens *v.* Britten [1954] 1 W.L.R. 1340, C.A.

Income Tax Commissioners for City of London *v.* Gibbs [1942] A.C. 402; [1942] 1 All E.R. 415, H.L. *Considered*, Worth (A. H.) *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 584, C.A.

Income Tax Special Commissioners *v.* Linsleys (Established 1894) [1957] 2 Q.B. 78; [1957] 2 W.L.R. 654. *Decision of the Court of Appeal reversed* [1958] A.C. 569; [1958] 2 W.L.R 292, H.L.

Income Tax Special Purposes Commissioners *v.* Pemsel [1891] A.C. 531; 7 T.L.R. 657, H.L. *Considered and referred to*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 3 W.L.R. 135; [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L. *Applied*, Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167, C.A. *Referred to*, Baker *v.* National Trust Co. [1955] A.C. 627; [1955] 3 W.L.R. 42; Davies *v.* Perpetual Trustee Co. [1959] A.C. 439; [1959] 2 W.L..R 673, P.C.

Ind *v.* Fraser. *See* In re Fraser.

Independent Order of Oddfellows, Manchester Unity Friendly Society *v.* Manchester Corporation [1957] 1 W.L.R. 1059; [1957] 3 All E.R. 310. *Decision of Divisional Court affirmed* [1958] 1 W.L.R. 1171, C.A.

Independent Television Authority and Associated-Rediffusion *v.* Inland Revenue Commissioners [1958] 1 W.L.R. 943; [1958] 3 All E.R. 126. *Decision of Wynn-Parry J. affirmed*, [1959] 1 W.L.R. 259, C.A. *Decision of the Court of Appeal affirmed* [1961] A.C. 427; [1960] 3 W.L.R. 48

Indermaur *v.* Dames (1867) L.R. 2 C.P. 311. *Considered*, London Graving Dock Co. Ltd. *v.* Horton [1951] A.C. 737; [1951] 1 T.L.R. 949; [1951] 2 All E.R. 1, H.L. *Not followed*, Bates *v.* Parker [1953] 2 Q.B. 231; [1953] 2 W.L.R. 642, C.A.

Inderwick *v.* Tatchell [1901] 2 Ch. 783, C.A.; [1903] A.C. 120, H.L. *Applied*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Induna S.S. Co. *v.* British Phosphates Commissioners. The Loch Dee [1949] 2 K.B. 430; 65 T.L.R. 149; [1949] 1 All E.R. 522. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Infant, In re an (1934) 34 S.R.N.S.W. 349. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097

Infields *v.* Rosen (1939) 55 T.L.R. 377; [1939] 1 All E.R. 121. *Not followed*, Ozzard-Low *v.* Ozzard-Low and Wonham [1953] P. 272; [1953] 3 W.L.R. 374

Ingall *v.* Moran [1944] K.B. 160; 60 T.L.R. 120; [1944] 1 All E.R. 97, C.A. *Applied*, Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015, C.A. *Distinguished*, Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445, C.A.

Inglis *v.* Buttery (1878) 3 App.Cas. 552, H.L. *Applied*, City and Westminster Properties (1934) *v.* Mudd [1959] Ch. 129; [1958] 3 W.L.R. 312

Inglis *v.* Mansfield (1835) 3 Cl. & Fin. 362. *Considered*, Ottway *v.* Jones [1955] 3 W.L.R. 126

Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782; [1956] 1 All E.R. 785. *Distinguished*, Edwards *v.* Edwards [1958] P. 235; [1958] 2 W.L.R. 956

Inland Revenue Commissioners *v.* Australian Mutual Provident Society [1947] A.C. 605; [1947] 1 All E.R. 600, H.L., *reversing* [1946] 1 All E.R. 528; *restoring* [1946] 1 All E.R. 236. *Applied*, Ostime (Inspector of Taxes) *v.* Australian Mutual Provident Society [1958] Ch. 774; [1958] 2 W.L.R. 636; [1958] 3 W.L.R. 354, C.A. *Referred to*, Ostime (Inspector of Taxes) *v.* Australian Mutual Provident Society [1960] A.C. 459; [1959] 3 W.L.R. 410, H.L.

Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 552; [1955] 1 All E.R. 525, H.L. *Applied*, In re Morgan decd., Cecil-Williams *v.* Attorney-General [1955] 1 W.L.R. 739; Berry *v.* St. Marylebone Borough Council [1957] 1 W.L.R. 495. *Distinguished*, General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1958] Ch. 421; [1957] 3 W.L.R. 1040, C.A.

Inland Revenue Commissioners *v.* Barr (John) (Henry & Galt) [1953] T.R. 7; 46 R. & I.T. 217. *Not followed*, Boarland (Inspector of Taxes) *v.* Madras Electric Supply Corporation [1953] 1 W.L.R. 920; Bramford's Road Transport *v.* Evans (Inspector of Taxes) [1953] 1 W.L.R. 1385. *Reversed* [1954] 1 W.L.R. 792.

Inland Revenue Commissioners *v.* Barr (Trading as Henry and Galt) [1954] 1 W.L.R. 792; [1954] 2 All E.R. 218, H.L. *Distinguished*, Morgan *v.* Tate & Lyle [1955] A.C. 21; [1954] 3 W.L.R. 85, H.L.

Inland Revenue Commissioners *v.* Bibby (J.) & Sons Ltd. (1945) 61 T.L.R. 430; [1945] 1 All E.R. 667, H.L. *Applied*, S. Berendsen Ltd. *v.* Inland Revenue Commissioners [1957] 2 W.L.R. 448. *Distinguished*, Barclays Bank *v.* I. R. C. [1959] Ch. 341; [1959] 2 W.L.R. 99. *Applied*, Barclays Bank *v.* Inland Revenue Commissioners [1960] 3 W.L.R. 280, H.L.

Inland Revenue Commissioners *v.* Birmingham District Power and Traction Co. Ld. (1928) 141 L.T. 1. *Discussed and considered*, Heelex Investments *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1368; [1955] 1 W.L.R. 289

Inland Revenue Commissioners *v.* Blott [1920] 2 K.B. 657; 36 T.L.R. 575. *Affirmed* [1921] 2 A.C. 171; 37 T.L.R. 762, H.L. *Applied*, Inland Revenue Commissioners *v.* Thornton, Kelley & Co. [1957] 1 W.L.R. 482. *Considered*, Inland Revenue Commissioners *v.* Pollock & Peel [1957] 1 W.L.R. 822, C.A.

Inland Revenue Commissioners *v.* Broadway Cottages Trust, Same *v.* Sunnylands Trust [1954] 1 W.L.R. 659; [1954] 1 All E.R. 878. *Affirmed* [1955] Ch. 20; [1954] 3 W.L.R. 438; [1954] 3 All E.R. 120, C.A. *Referred to*, Innes *v.* Harrison [1954] 1 W.L.R. 668. *Applied*, In re Shaw, decd. [1957] 1 W.L.R. 730. *Followed*, In re Sayer. MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 262

Inland Revenue Commissioners *v.* Burrell [1924] 2 K.B. 52; 40 T.L.R. 562, C.A. *Considered and applied*, Inland Revenue Commissioners *v.* Pollock & Peel (In Liquidation) [1956] 1 W.L.R. 953

Inland Revenue Commissioners *v.* Butterley Co. [1954] 1 W.L.R. 1199; [1954] 3 All E.R. 69. *Decision of Roxburgh J. reversed* [1955] Ch. 453; [1955] 2 W.L.R. 785, [1955] 1 All E.R 891, C.A. *Affirmed* [1957] A.C. 32; [1956] 2 W.L.R. 1101, H.L. *Considered*, Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch. 972; [1958] 2 W.L.R. 815; Whitworth Park Coal Co. *v.* Inland Revenue Commissioners. [1961] A.C. 31; [1959] 3 W.L.R. 842, H.L.

Inland Revenue Comrs. *v.* Buxton Palace Hotel Ltd. (1948) 29 T.C. 329, 334. *Observations of Atkinson J. considered*, Henry Briggs, Son & Co. Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 532, 540

Inland Revenue Commissioners *v.* City of Glasgow Police Athletic Association [1953] A.C. 380; [1953] 2 W.L.R. 625; [1953] 1 All E.R. 747, H.L. *Considered*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84; [1953] 3 W.L.R. 135. C.A.; sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L.

Inland Revenue Commissioners *v.* City of London [1952] W.N. 326. *Affirmed* [1953] 1 W.L.R. 652

Inland Revenue Comrs. *v.* Chappie Ltd. (1953) 34 T.C. 509, C.A. *Applied*, Inland Revenue Comrs. *v.* H. Dunning & Co. (1946) Ltd. [1960] 1 W.L.R. 1106

Inland Revenue Comrs. *v.* Collco Dealings Ltd. [1959] 1 W.L.R. 995; [1959] 3 All E.R. 351. *Decision of Vaisey J. affirmed*, Inland Revenue Comrs. *v.* Collco Dealings Ltd. [1960] Ch. 592; [1960] 2 W.L.R. 848

Inland Revenue Commissioners *v.* Crossman [1937] A.C. 26; 52 T.L.R. 415; [1936] 1 All E.R. 762, H.L. *Referred to*, Holt, decd., In re, Holt *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 1488

Inland Revenue Commissioners *v.* Derby (Earl) [1914] 3 K.B. 1186. *Approved*, Cornish *v.* Brook Green Laundry [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215, C.A.

Inland Revenue Comrs. *v.* Desoutter Bros. (1945) 62 T.L.R. 110; [1945] 2 All E.R. 532; 29 T.C. 155. *Applied*, Henry Briggs, Son & Co. Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 532

Inland Revenue Commissioners *v.* Dickson's Executor, 1928 S.C. 752. *Applied*, Trustees of Tollemache Settled Estates *v.* Coughtrie (Inspector of Taxes) [1959] 1 W.L.R. 900

Inland Revenue Commissioners *v.* Dowdall, O'Mahoney & Co. [1952] A.C. 401; [1952] 1 T.L.R. 560; [1952] 1 All E.R. 531, H.L. *Applied*, Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1953] 3 W.L.R. 167, C.A.

Inland Revenue Commissioners *v.* Eccentric Club [1924] 1 K.B. 390; 40 T.L.R. 208. *Referred to* Automobile Proprietary *v.* Brown (Valuation Officer) [1955] 1 W.L.R. 573, C.A.

Inland Revenue Commissioners *v.* Fleming & Co. (Machinery) (1951) 33 T.C. 57. *Applied*, Anglo-French Exploration Co. *v.* Clayson (Inspector of Taxes) [1956] 1 W.L.R. 325, C.A. Considered, Wiseburgh *v.* Domville (Inspector of Taxes) [1956] 1 W.L.R. 312, C.A.

Inland Revenue Commissioners *v.* Forrest (1890) 15 App.Cas. 334; 6 T.L.R. 456, H.L. *Applied*, In re Bland-Sutton, decd. National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494, C.A. *Considered and distinguished*, Institute of Fuel *v.* Morley (Valuation Officer) and St. Marylebone Metropolitan Borough Council [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157, C.A. *Applied* [1956] A.C. 245; [1956] 2 W.L.R. 65, H.L. *Considered*, Chartered Insurance Institute *v.* London Corporation [1957] 1 W.L.R. 867, D.C. *Applied*, London Library *v.* Cane [1960] 1 Q.B. 373; [1959] 3 W.L.R. 929, C.A.; Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48 & 3 W.L.R. 978

Inland Revenue Commissioners *v.* Fraser, 1942 S.C. 493. *Considered*, Edwards (Inspector of Taxes) *v.* Bairstow [1956] A.C. 14; [1955] 3 W.L.R. 411, H.L.

Inland Revenue Commissioners *v.* Gas Lighting Improvement Co. (1921) 12 T.C. 503. *Considered*, Inland Revenue Commissioners *v.* Butterley Co. [1955] Ch. 453; [1955] 2 W.L.R. 785, C.A.

Inland Revenue Commissioners *v.* Glasgow City Police Athletic Association, 1952 S.C. 102. *Reversed*, sub nom. Inland Revenue Commissioners *v.* City of Glasgow Police Athletic Association [1953] A.C. 380; [1953] 2 W.L.R. 625, H.L.

Inland Revenue Commissioners *v.* Gordon [1952] A.C. 552; [1952] 1 T.L.R. 913; [1952] 1 All E.R. 866. *Distinguished*, Thomson (Inspector of Taxes) *v.* Moyse [1960] 3 W.L.R. 929, H.L.

Inland Revenue Commissioners *v.* Gribble [1913] 3 K.B. 212; 29 T.L.R. 481. *Applied*, Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275, C.A.

Inland Revenue Commissioners *v.* Gull 54 T.L.R. 52; [1937] 4 All E.R. 290. *Dictum of Lawrence J. approved*, Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167, C.A. *Considered*, *ibid.* [1956] A.C. 39; [1955] 3 W.L.R. 451, H.L.

Inland Revenue Commissioners *v.* Hambrook [1956] 2 W.L.R. 919; [1956] 1 All E.R. 807. *Affirmed* [1956] 2 Q.B. 641; [1956] 3 W.L.R. 644, C.A.

Inland Revenue Commissioners *v.* Hinchy [1959] 1 Q.B. 327; [1959] 2 W.L.R. 32; [1958] 3 All E.R. 682. *Decision of Diplock J. varied* [1959] 1 Q.B. 327; [1959] 3 W.L.R. 66, C.A. *Decision of the Court of Appeal reversed* [1960] A.C. 748; [1960] 2 W.L.R. 448

Inland Revenue Commissioners *v.* Hunter [1914] 3 K.B. 423. *Applied*, The Corchester [1957] P. 84; [1956] 3 W.L.R. 1091, D.C. *Considered*, Inland Revenue Comrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414

Inland Revenue Commissioners *v.* John Dow Stuart [1950] A.C. 149; [1950] 1 All E.R. 1; 1950 S.L.T. 53, H.L. *Dicta of Lord Porter and Lord Morton of Henryton applied*, Income Tax Special Commissioners *v.* Linsleys (Established 1894) [1958] A.C. 569; [1958] 2 W.L.R. 292, H.L.

Inland Revenue Commissioners *v.* Kenmare (Countess) [1956] Ch. 220; [1955] 3 W.L.R. 922. *Affirmed* [1956] Ch. 483; [1956] 3 W.L.R. 527; [1956] 3 All E.R. 69, C.A. *Affirmed*, sub nom. Countess of Kenmare *v.* Inland Revenue Commissioners [1958] A.C. 267; [1957] 3 W.L.R. 461, H.L. *Considered*, Saunders *v.* Inland Revenue Commissioners [1956] Ch. 283; [1955] 3 W.L.R. 930

Inland Revenue Comrs. *v.* Lactagol Ltd. (1954) 35 T.C. 230. *Distinguished*, Inland Revenue Comrs. *v.* H. Dunning & Co. (1946) Ltd. [1960] 1 W.L.R. 1106

Inland Revenue Commissioners *v.* London (City of) [1953] 1 W.L.R. 652; [1953] 1 All E.R. 1075, H.L. *Dicta of Lord Normand and Lord Reid applied*, Inland Revenue Commissioners *v.* National Book League [1957] Ch. 488; [1957] 3 W.L.R. 223, C.A.

Inland Revenue Commissioners *v.* Mashonaland Railway Co. (1926) 12 T.C. 1159. *Distinguished*, Inland Revenue Commissioners *v.* Pullman Car Co. [1954] 1 W.L.R. 1029

Inland Revenue Comrs. *v.* National Book League [1957] 1 Ch. 488; 37 T.C. 455; [1957] 2 All E.R. 644, C.A. *Distinguished*, Barclays Bank Ltd. *v.* Naylor [1961] Ch. 17; [1960] 3 W.L.R. 678

Inland Revenue Commissioners *v.* Pollock & Peel (In Liquidation) [1956] 1 W.L.R. 951; [1956] 2 All E.R. 776. *Decision of Upjohn J. affirmed* [1957] 1 W.L.R. 822, C.A. *Considered*, Ackland & Pratten Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1117

Inland Revenue Commissioners *v.* Reid's Trustees [1949] A.C. 361; [1949] 1 All E.R. 354, H.L. *Considered*, In re Duff's Settlements [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534, C.A.

Inland Revenue Comrs. *v.* Sansom [1921] 2 K.B. 492, C.A. *Considered*, Lee *v.* Lee's Air Farming Ltd. [1961] A.C. 12; [1960] 3 W.L.R. 758

Inland Revenue Commissioners *v.* Silverts Ltd [1951] Ch. 521; [1951] 1 T.L.R. 593; [1951] 1 All E.R. 703, C.A. *Applied*, S. Berendsen Ltd. *v.* Inland Revenue Commissioners [1957] 2 W.L.R. 448; [1958] Ch. 1; [1957] 3 W.L.R. 164, C.A.; Barclays Bank *v.* I. R. C. [1960] 3 W.L.R. 280; Barclays Bank *v.* Inland Revenue Commissioners [1959] Ch. 659; [1959] 3 W.L.R. 240, C.A.

Inland Revenue Comrs. *v.* Sneath [1932] 2 K.B. 362; 48 T.L.R. 241. *Considered*, Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404

Inland Revenue Commissioners *v.* South Georgia Co., 1957 S.L.T. 115. *Decision of the First Division of the Court of Session reversed* [1958] A.C. 599; [1958] 2 W.L.R. 492, H.L.

Inland Revenue Commissioners *v.* Stuart (John Dow) [1950] A.C. 149; [1950] 1 All E.R. 1, H.L. *Distinguished*, Regina *v.* Income Tax Special Commissioners. Ex parte Linsleys (Established 1894) [1957] 2 Q.B. 78; [1957] 2 W.L.R. 655, C.A.

Inland Revenue Commissioners *v.* Tootal Broadhurst Co. *See* Tootal Broadhurst, Lee Co. *v.* Inland Revenue Commissioners.

Inland Revenue Commissioners *v.* Universal Grinding Wheel Co. [1953] Ch. 499; [1953] 3 W.L.R. 29; [1953] 2 All E.R. 133. *Affirmed* [1954] Ch. 117; [1954] 2 W.L.R. 37; [1953] 2 All E.R. 1592, C.A. *Affirmed* [1955] A.C. 807; [1955] 2 W.L.R. 892, H.L.

Inland Revenue Commissioners *v.* West, 1950 S.C. 516. *Distinguished and dicta disapproved*, Inland Revenue Commissioners *v.* Barr [1954] 1 W.L.R. 792, H.L.

Inland Revenue Commissioners *v.* Westminster (Duke) [1936] A.C. 1; 51 T.L.R. 467. *Considered*, In re Austin Motor Car Co.'s Agreements [1958] Ch. 61; [1957] 3 W.L.R. 451

Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation). Same *v.* Brancepath Coal Co. (In Liquidation). Same *v.* Ramshaw Coal Co. (In Liquidation) [1958] Ch. 792; [1958] 2 W.L.R. 815; [1958] 2 All E.R. 91. *Decision of the Court of Appeal affirmed* [1961] A.C. 31; [1959] 3 W.L.R. 842, H.L.

Inland Revenue Commissioners *v.* Wood Brothers (Birkenhead) [1958] Ch. 476; [1958] 1 W.L.R. 64; [1958] 1 All E.R. 405n., H.L.; [1957] 3 W.L.R. 713; [1957] 3 All E.R. 314, C.A. *Decision of Court of Appeal reversed* [1959] A.C. 487; [1959] 2 W.L.R. 47, H.L. *Petition allowed*, Inland Revenue Commissioners *v.* Wood Brothers (Birkenhead) [1958] 1 W.L.R. 64. *Considered*, In re Sutherland, decd. [1960] Ch. 134; [1960] 3 W.L.R. 491

Inland Revenue Commissioners *v.* Yorkshire Agricultural Society [1928] 1 K.B. 611; 44 T.L.R. 59, C.A. *Referred to*, Hadaway *v.* Hadaway [1955] 1 W.L.R. 16, P.C.

Inland Revenue Officer *v.* Assessor for Edinburgh, 1930 S.C. 429. *Applied*, Fatstock Marketing Corporation *v.* Morgan (Valuation Officer) [1958] 1 W.L.R. 357, C.A.

Institute of Civil Engineers *v.* Inland Revenue Commissioners [1932] 1 K.B. 149; 47 T.L.R. 466, C.A. *Considered*, Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 96, D.C.

Institute of Fuel *v.* Morley and St. Marylebone Metropolitan Borough Council [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157; [1955] 1 All E.R. 161, C.A. *Reversed* [1956] A.C. 245; [1956] 2 W.L.R. 65, H.L. *Distinguished*, Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 3 W.L.R. 978

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Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48; [1960] 1 All E.R. 129. *Decision of the Court of Appeal affirmed* [1960] 3 W.L.R. 978

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Inverclyde (orse. Tripp) *v.* Inverclyde [1931] P. 29; 47 T.L.R. 140. *Not followed and overruled*, Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1955] 3 W.L.R. 188, 850, C.A. *Applied*, Wiggins *v.* Wiggins (orse. Brooks) and Ingram [1958] 1 W.L.R. 1013

Inverkip S.S. Co. *v.* Bunge & Co. [1917] 2 K.B. 193, C.A. *Followed*, Chandris *v.* Isbrandtsen-Moller Co. Inc. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 2) 358; [1950] 2 All E.R. 618, C.A. *Dictum of Scrutton L.J. considered*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714

Iron Trades Employers Insurance Association *v.* Union Land & House Investors [1937] Ch. 313; 53 T.L.R. 341; [1937] 1 All E.R. 481. *Applied*, Rust *v.* Goodale [1957] 1 Ch. 33; [1956] 3 W.L.R. 750

Isaac *v.* Defriez (1754) 2 Amb. 595. *Considered*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Isaac *v.* Isaac [1953] 3 W.L.R. 253, sub nom. Isaacs *v.* Isaacs [1955] 2 All E.R. 811. *Considered and applied*, Eaves *v.* Eaves and Powell [1956] P. 154; [1955] 3 W.L.R. 984

Isherwood, Ex parte (1882) 22 Ch.D. 384, C.A. *Applied*, Alliance Building Society *v.* Pinwill [1958] Ch. 788; [1958] 3 W.L.R. 1

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Iveagh *v.* Inland Revenue Commissioners [1954] 2 W.L.R. 494; [1954] 1 All E.R. 609. *Distinguished*, In re Joynson's Will Trusts, Gaddum *v.* Inland Revenue Commissioners [1954] Ch. 567; [1954] 2 W.L.R. 1061

Ivens *v.* Ivens [1955] P. 129; [1954] 3 W.L.R. 887; [1954] 3 All E.R. 446, C.A. *Applied*, Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782

Ivett *v.* Ivett (1930) 143 L.T. 680. *Applied*, Bradshaw *v.* Bradshaw [1956] P. 274n.; [1955] 3 W.L.R. 966, D.C. *Considered*, Wright *v.* Wright [1960] P. 85; [1960] 2 W.L.R. 499

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J. *v.* J. [1955] P. 215; [1955] 3 W.L.R. 72; [1955] 2 All E.R. 85, C.A. *Applied*, Schlesinger *v.* Schlesinger [1960] P. 191; [1960] 3 W.L.R. 83

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Jabbour (F. & K.) *v.* Custodian of Israeli Absentee Property [1954] 1 W.L.R. 139; [1954] 1 All E.R. 145. *Distinguished*, In re Claim by Helbert Wagg & Co [1956] Ch. 323; [1956] 2 W.L.R. 185; In re United Railways of the Havana and Regla Warehouses [1958] Ch. 724; [1958] 2 W.L.R. 229

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Jackson *v.* Union Marine Insurance Co. (1873) L.R. 8 C.P. 572. *Considered*, Tsakiroglou & Co. *v.* Noblee Thorl G.m.b.H. [1960] 2 Q.B. 318; [1960] 2 W.L.R. 869

Jackson and Haden's Contract, In re [1906] 1 Ch. 412. *Considered and followed*, Baines *v.* Tweddle [1959] Ch. 679; [1959] 3 W.L.R. 291, C.A.

Jacobs *v.* Jacobs (1853) 16 Beav. 557. *Considered*, In re Kilvert, decd., Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert and Others [1957] Ch. 388; [1957] 2 W.L.R. 854

Jagger *v.* Jagger [1926] P. 93; 42 T.L.R. 413, C.A. *Applied*, Scott *v.* Scott [1951] P. 193; 66 T.L.R. (Pt. 2) 1077; [1950] 2 All E.R. 1154, C.A.

Jamaica Street (36, 38, 40 and 42) Stepney, In re [1947] Ch. 409; 63 T.L.R. 281; [1947] 1 All E.R. 754, C.A. *Applied*, In re 34 Bruton Street, Westminster [1956] 1 W.L.R. 1477; *Distinguished* [1957] Ch. 543; [1957] 3 W.L.R. 81, C.A.

James, In re, Grenfell *v.* Hamilton [1932] 2 Ch. 25; 48 T.L.R. 250. *Disapproved*, In re White's Will Trusts [1955] Ch. 188; [1954] 3 W.L.R. 314

James *v.* Bowkett [1952] 2 T.L.R. 100; [1952] 2 All E.R. 320, D.C. *Applied*, Ex parte Rigby [1958] 1 W.L.R. 843, D.C.

James *v.* Commonwealth of Australia (No. 2) [1936] A.C. 578; 52 T.L.R. 696; [1936] 2 All E.R. 1449, P.C. *Referred to*, Hughes and Vale Pty. *v.* State of N. S. W. Australian Commonwealth Interveners [1955] A.C. 241; [1954] 3 W.L.R. 824, P.C.

James *v.* James [1948] 1 All E.R. 214, D.C. *Considered*, Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 139, C.A.

James *v.* Vane (1860) 29 L.J.Q.B. 169. *Not applied*, Read's Trustee in Bankruptcy *v.* Smith [1951] Ch. 439; [1951] 1 All E.R. 406

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Jane Nona *v.* Leo (1923) 25 C.N.L.R. 241. *Considered*, Kanapathipillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Janson *v.* Driefontein Consolidated Mines [1902] A.C. 484; 18 T.L.R. 796. *Applied*, In re Grotrian, Cox *v.* Grotrian [1955] Ch. 501; [1955] 2 W.L.R. 696

Jaques *v.* Federal Commissioners of Taxation (1924) 34 C.L.R. 328. *Considered*, Newton *v.* Commissioner of Taxation of the Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195, P.C.

Jarrett, In re [1919] 1 Ch. 366. *Applied*, In re Thirlwell, decd. Evans *v.* Thirlwell [1958] Ch. 146; [1957] 3 W.L.R. 851

Jasohamy *v.* Podihamy (1943) 44 N.L.R. 835. *Considered*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Jassy, The [1906] P. 270. *Applied*, Baccus S.R.L. *v.* Servicio Nacional del Trigo [1957] 1 Q.B. 438; [1956] 3 W.L.R. 949, C.A.

Jayawardene *v.* Weekasekera (1917) 4 C.W.R. 406. *Applied*, Adamjee *v.* Sadeen [1957] A.C. 94; [1957] 2 W.L.R. 68, P.C.

Jayesinhe *v.* Perera (1903) 9 N.L.R. 62. *Overruled*, Udalagama *v.* Boange [1959] A.C. 565; [1959] 3 W.L.R. 383, P.C.

Jayne *v.* Jayne and Prothero (1869) 21 L.T. 401. *Questioned*, Nelson *v.* Nelson [1958] 1 W.L.R. 894, C.A.

Jeffrey *v.* Jeffrey [1951] P. 32; 66 T.L.R. (Pt. 2) 294; [1950] 2 All E.R. 449. *Applied*, Davies *v.* Davies [1956] P. 212; [1955] 3 W.L.R. 841

Jeffreys, In re, Jeffreys *v.* Jeffreys, 17 T.L.R. 356. *Applied*, Jones, decd., In re, Midland Bank Executor and Trustee Co. *v.* Jones [1953] Ch. 125; [1953] 2 W.L.R. 283

Jeffs *v.* Wells (1936) 100 J.P. 406. *Considered*, Jollye *v.* Dale [1960] 2 Q.B. 258; [1960] 2 W.L.R. 1027

Jenkins, In the Goods of (1863) 3 Sw. & T. 93. *Applied*, Goodman *v.* Eban (J.) [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581, C.A.

Jennings *v.* Johnson (1873) L.R. 8 C.P. 425. *Considered*, In re A Solicitor [1956] 1 Q.B. 155; [1955] 3 W.L.R. 549

Jennings *v.* Kelly [1940] A.C. 206; 56 T.L.R. 154; [1939] 4 All E.R. 464, H.L. *Followed*, Rex *v.* Surrey Quarter Sessions. Ex parte Lilley [1951] 2 K.B. 749; [1951] 2 T.L.R. 546, D.C.

Jennings *v.* Kinder (Inspector of Taxes) Hochstrasser (Inspector of Taxes) *v.* Mayes [1958] 2 W.L.R. 982; [1958] 1 All E.R. 369. *Decision of Upjohn J. affirmed* [1959] Ch. 22; [1958] 3 W.L.R. 215

Jennings and Chapman Ltd. *v.* Woodman, Matthews & Co. [1952] 2 T.L.R. 409. *Considered*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Jerome, *In re* [1907] 2 Ch. 145; 76 L.J.Ch. 432, C.A. *Applied*, Rolph *v.* Marston Valley Brick Co. [1956] 2 Q.B. 18; [1956] 3 W.L.R. 929

Jinks *v.* Edwards (1856) 11 Ex.Ch. 775. *Referred to*, Miller *v.* Emcer Products [1956] Ch. 304; [1956] 2 W.L.R. 267, C.A.

Joachimson *v.* Swiss Bank Corporation [1921] 3 K.B. 110; 37 T.L.R. 534, C.A. *Considered*, Arab Bank *v.* Barclays Bank (Dominion, Colonial and Overseas) [1953] 2 Q.B. 527; [1953] 3 W.L.R. 67, C.A.; [1954] A.C. 495; [1954] 2 W.L.R. 1022, H.L.; In re Russian Commercial and Industrial Bank [1955] Ch. 148; [1955] 2 W.L.R. 62

Joannis Vatis (No. 2), The [1922] P. 213; 38 T.L.R. 566. *Distinguished*, The Norseman [1957] P. 224; [1957] 3 W.L.R. 264

John, In re. Jones *v.* John [1933] Ch. 370. *Followed*, In re Cohen, decd. [1960] Ch. 179; [1959] 3 W.L.R. 916

Johnson, In re (1893) 68 L.T. 20. *Applied*, In re Davies. Davies *v.* Mackintosh [1957] 1 W.L.R. 923

Johnson *v.* Clarke [1928] Ch. 847. *Considered*, Wilson *v.* Thomas [1958] 1 W.L.R. 422

Johnson *v.* Croggan & Co. [1954] 1 W.L.R. 195; [1954] 1 All E.R. 121. *Questioned*, Charles *v.* S. Smith & Sons (England) [1954] 1 W.L.R. 451

Johnson *v.* Edgware, etc., Railway Co. (1866) 35 Beav. 480. *Applied*, Coates *v.* Diment [1951] 1 All E.R. 890

Johnson *v.* Johnson [1900] P. 19; 16 T.L.R. 26, D.C. *Followed*, R. *v.* Medical Appeal Tribunal (North Midland Region). Ex parte Hubble [1958] 2 Q.B. 228; [1958] 3 W.L.R. 24, D.C.; [1959] 2 Q.B. 408; [1959] 3 W.L.R. 456, C.A.

Johnson *v.* Johnson [1946] P. 205; 62 T.L.R. 333; [1946] 1 All E.R. 573, C.A. *Applied*, The Norseman [1957] P. 224; [1957] 3 W.L.R. 263

Johnson *v.* Pickering [1907] 2 K.B. 437; 23 T.L.R. 579. *Applied*, Cohen, decd., In re, National Provincial Bank *v.* Katz [1953] Ch. 88; [1953] 1 W.L.R. 303

Johnson *v.* Try (W. S.), 62 T.L.R. 355; [1946] 1 All E.R. 532. *Applied*, Severne (Inspector of Taxes) *v.* Dadswell [1954] 1 W.L.R. 1204

Johnson *v.* Youden [1950] 1 K.B. 544; [1950] 1 All E.R. 300, D.C. *Applied*, Ferguson *v.* Weaving [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412, D.C.

Johnston *v.* Chestergate Hat Manufacturing Co. [1915] 2 Ch. 338. *Considered*, Dean *v.* Prince [1953] Ch. 590; [1953] 3 W.L.R. 271

Johnston Brothers *v.* Saxon Queen S.S. Co. (1913) 108 L.T. 564. *Distinguished*, Compania Naviera Maropan S/A *v.* Bowaters Lloyd Pulp and Paper Mills [1954] 3 W.L.R. 894

Jolley, In re (1901) 17 T.L.R. 244. *Questioned*, In re Lander, decd. [1951] Ch. 546; [1951] 1 T.L.R. 456; [1951] 1 All E.R. 622

Jolly *v.* Arbuthnot (1859) 4 De G. & J. 224, L.C. *Dictum of Lord Chelmsford L.C. applied*, Regina *v.* Judge Dutton Briant [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249, D.C.

Jones, Ex parte (1806) 13 Ves. 237, L.C. *Applied*, Regina *v.* Odhams Press [1957] 1 Q.B. 73; [1956] 3 W.L.R. 797, D.C.

Jones, In re [1942] Ch. 328; 58 T.L.R. 403. *Distinguished*, In re Schintz' Will Trusts [1951] Ch. 870; [1951] 1 All E.R. 1095

Jones, In re, Public Trustee *v.* Jones [1945] Ch. 105; 61 T.L.R. 120. *Considered*, Gestetner Settlement, In re, Barnett *v.* Blumka [1953] Ch. 672; [1953] 2 W.L.R. 1033

Jones *v.* Bates, (1938) 54 T.L.R. 648; [1938] 2 All E.R. 237, C.A. *Considered*, Fairey *v.* Southampton County Council [1956] 2 Q.B. 439; [1956] 3 W.L.R. 355, C.A.

Jones *v.* Bellgrove Properties [1949] 2 K.B. 700; 65 T.L.R. 451; sub nom. Jones *v.* Bellegrove Properties [1949] 2 All E.R. 198, C.A.; *affirming* 65 T.L.R. 166. *Distinguished*, In re Transplanters (Holding Company) [1958] 1 W.L.R. 822

Jones *v.* Cockroft [1945] 2 All E.R. 333. *Criticised*, Schofield *v.* Jones [1955] 1 W.L.R. 1133, D.C.

Jones *v.* Commonwealth Court of Conciliation & Arbitration [1917] A.C. 528; 33 T.L.R. 358, P.C. *Referred to*, Nelungaloo Pty. Ltd. *v.* Commonwealth of Australia [1951] A.C. 34, P.C.; O'Sullivan *v.* Noarlunga Meat [1957] A.C. 1; [1956] 3 W.L.R. 437, P.C.

Jones *v.* Givin (1713) Gilb. 185. *Considered*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Jones *v.* Great Central Railway Co. [1910] A.C. 4, H.L. *Considered*, Westminster Airways Ltd. *v.* Kuwait Oil Co. Ltd. [1951] 1 K.B. 134; [1950] 2 All E.R. 596, C.A.

Jones *v.* Green & Co. [1904] 2 K.B. 275, C.A. *Considered*, Agrimpex Hungarian Trading Company for Agricultural Products *v.* Sociedad Financiera De Bienes Raices S.A. [1957] 1 W.L.R. 1229. *Distinguished*, Agrimpex *v.* Hungarian Trading Company for Agricultural Products *v.* Sociedad Financiera de Bienes Raices S.A., The Aello [1958] 2 Q.B. 385; [1958] 3 W.L.R. 152, C.A.

Jones *v.* Guardians of Newtown & Llanidloes [1920] 3 K.B. 381; 36 T.L.R. 758, D.C. *Distinguished*, Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C.

Jones *v.* Inland Revenue Commissioners, Sweetmeat Automatic Delivery Co. *v.* Inland Revenue Commissioners [1895] 1 Q.B. 484; 11 T.L.R. 78, D.C. *Applied*, Independent Television Authority and Associated-Rediffusion *v.* I. R. C. [1961] A.C. 427; [1960] 3 W.L.R. 48

Jones *v.* Jones (1872) L.R. 2 P. & D. 333. *Applied*, Schlesinger *v.* Schlesinger [1958] 1 W.L.R. 882

Jones *v.* Jones [1954] 1 W.L.R. 1474; [1951] 3 All E.R. 476n., D.C. *Explained*, Sullivan *v.* Sullivan [1956] 1 W.L.R. 277n., D.C.

Jones *v.* Leeming [1930] A.C. 415; 46 T.L.R. 296, H.L. *Considered*, Edwards (Inspector of Taxes) *v.* Bairstow [1956] A.C. 14; [1955] 3 W.L.R. 411, H.L.

Jones *v.* Manchester Corporation [1952] 2 Q.B. 852; [1952] 1 T.L.R. 1589; [1952] 2 All E.R. 125, C.A. *Applied*, Semtex *v.* Gladstone [1954] 1 W.L.R. 945. *Observations of Hodson L.J. applied*, Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 632, C.A.

Jones *v.* Maynard [1951] Ch. 572; [1951] 1 T.L.R. 700; [1951] 1 All E.R. 802. *Applied*, Cohen, decd., In re, National Provincial Bank *v.* Katz [1953] Ch. 88; [1953] 1 W.L.R. 303. *Distinguished*, Gage *v.* King [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460

Jones *v.* South Eastern & Chatham Railway Co. (1918) 87 L.J.K.B. 775, D.C. *Dicta of Swinfen-Eady L.J. and Neville J. applied*, Corke *v.* Corke and Cook [1958] P. 93; [1958] 2 W.L.R. 110, C.A.

Jones *v.* Staveley Iron and Chemical Co. [1955] 1 Q.B. 474; [1955] 2 W.L.R. 69; [1955] 1 All E.R. 6, C.A. *Affirmed*, Staveley Iron and Chemical Co. *v.* Jones [1956] A.C. 627; [1956] 2 W.L.R. 480, H.L.

Jones *v.* Westcomb (1711) Prec.Ch. 316. *Distinguished*, In re Bailey. Barrett *v.* Hyder [1951] Ch. 407; [1951] 1 All E.R. 391, C.A.

Jones *v.* Whitehill [1950] 2 K.B. 204; 66 T.L.R. (Pt. 1) 387; [1950] 1 All E.R. 71, C.A. *Distinguished*, Langdon *v.* Horton [1951] 1 K.B. 666; [1951] 1 T.L.R. 238; [1951] 1 All E.R. 60, C.A.

Jones Ltd. *v.* Green & Co. [1904] 2 K.B. 275. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1960] 3 W.L.R. 145

Jones' Settlement, In re, Stunt *v.* Jones [1915] 1 Ch. 373. *Followed*, Greaves, In re, Public Trustee *v.* Ash [1953] 3 W.L.R. 987. *Overruled*, In re Greaves, Public Trustee *v.* Ash [1954] Ch. 434; [1954] 2 W.L.R. 557, C.A.

Jonesco *v.* Beard [1930] A.C. 298, H.L. *Considered*, Byatt *v.* Byatt [1958] 1 W.L.R. 1, D.C.

Joplin *v.* Postlethwaite (1889) 61 L.T. 629. *Followed*, Olver *v.* Hillier [1959] 1 W.L.R. 551

Jordan *v.* Limmer & Trinidad Lake Asphalt Co. [1946] K.B. 356; 62 T.L.R. 302; [1946] 1 All E.R. 527. *Overruled*, British Transport Commission *v.* Gourley [1956] A.C. 185; [1956] 2 W.L.R. 42, H.L.

Joseph *v.* Joseph [1953] 1 W.L.R. 1182; [1953] 2 All E.R. 710, C.A. *Distinguished*, Corbett *v.* Corbett [1957] 1 W.L.R. 487

Joseph Constantine Steamships Line *v.* Imperial Smelting Corporation [1942] A.C. 154; 57 T.L.R. 485; [1941] 2 All E.R. 165, H.L. *Considered*, Adamastos Shipping Co. *v.* Anglo-Saxon Petroleum Co. [1959] A.C. 133; [1958] 2 W.L.R. 688, H.L.

Joseph's Will Trusts [1959] 1 W.L.R. 1019; [1959] 3 All E.R. 474n. *Not followed*, In re Hambleden's Will Trusts [1960] 1 W.L.R. 82

Joy, In re (1888) 5 T.L.R. 117. *Considered*, In re Dawson's Will Trusts. National Provincial Bank *v.* National Council for the Y.M.C.A. Incorporated [1957] 1 W.L.R. 392

Jozwiak *v.* Hierowski [1948] W.N. 201; 64 T.L.R. 322; [1948] 2 All E.R. 9, C.A. *Applied*, Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A.

Juan Ysmael & Co. Inc. *v.* Indonesian Republic Government [1955] A.C. 72; [1954] 3 W.L.R. 531; [1954] 3 All E.R. 236. *Considered*, Nizam of Hyderabad and State of Hyderabad *v.* Jung [1956] 3 W.L.R. 667

Judgment Debtor, No. 530 of 1908, In re [1908] 2 K.B. 474; 24 T.L.R. 689, C.A. *Considered*, In re A Debtor, No. 21 of 1950 [1951] Ch. 313; [1951] 1 T.L.R. 174, D.C.

Judgment Summons (No. 25 of 1952), In re, Ex parte Henleys [1953] Ch. 1; [1952] 2 T.L.R. 681; [1952] 2 All E.R. 772. *Reversed* [1953] Ch. 195; [1953] 2 W.L.R. 315, C.A.

Judiciary and Navigation Acts, In re (1921) 29 C.L.R. 257. *Considered* Attorney-General for Australia *v.* The Queen [1957] A.C. 288; [1957] 2 W.L.R. 608, P.C.

Judson *v.* British Transport Commission [1954] 1 W.L.R. 585; [1954] 1 All E.R. 624. *Distinguished*, Cade *v.* British Transport Commission [1959] A.C. 256; [1958] 3 W.L.R. 118, H.L.

Jull *v.* Jacobs (1876) 3 Ch.D. 703. *Applied*, In re Davies. Davies *v.* Mackintosh [1957] 1 W.L.R. 923

Jungheim, Hopkins & Co. *v.* Foukelmann [1909] 2 K.B. 948; 25 T.L.R. 819. *Dictum of Pickford J. adopted and applied*, Oakland Metal Co. *v.* D. Benaim & Co. [1953] 2 Q.B. 261; [1953] 3 W.L.R. 475

Jupiter, The [1924] P. 236; 40 T.L.R. 815, C.A. *Referred to*, Juan Ysmael & Co. Inc. *v.* Indonesian Government [1955] A.C. 72; [1954] 3 W.L.R. 531

Kafiristan, The [1938] A.C. 136; 53 T.L.R. 1010; [1937] 3 All E.R. 747, H.L. *Applied*, The Susan V. Luckenbach [1951] P. 197; [1951] 1 T.L.R. 165; [1951] 1 All E.R. 753, C.A.

Kahler *v.* Midland Bank [1950] A.C. 24; 65 T.L.R. 663; [1949] 2 All E.R. 621, H.L.; *affirming*, [1948] 1 All E.R. 811, C.A. *Applied*, In re Claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 185

Kamil (Muhammad) *v.* Imtiaz Fatima (Musammat) (1909) 14 C.W.N. 59. *Considered*, Tzamburakis *v.* Rodoussakis [1958] A.C. 469; [1958] 3 W.L.R. 265, P.C.

Kanda *v.* Church Commissioners for England [1958] 1 Q.B. 332; [1957] 3 W.L.R. 353; sub nom. Church Commissioners for England *v.* Kanda [1957] 2 All E.R. 815. *Considered*, Baker *v.* Sims [1959] 1 Q.B. 114; [1958] 3 W.L.R. 546, C.A.

Kannreuther *v.* Geiselbrecht. *See* In re Kloebe

Kara *v.* Kara and Holman [1948] P. 287; 64 T.L.R. 329; [1948] 2 All E.R. 16, C.A. *Distinguished*, Mearns *v.* Mearns [1955] 1 W.L.R. 303, C.A.

Karamat *v.* R. [1956] A.C. 256; [1956] 2 W.L.R. 412; [1956] 1 All E.R. 415. *Applied*, Tameshwar *v.* The Queen [1957] A.C. 476; [1957] 3 W.L.R. 157, P.C.

Karapaya Servai *v.* Mayandi A. I. R. (1934) P.C. 49, 50. *Referred to*: Kanapathipillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Karlshamns Oljefabriker (A/B) *v.* Monarch Steamship Co. Ltd. [1949] A.C. 196, 222, 224, 232; 65 T.L.R. 217; [1949] 1 All E.R. 1. *Considered*, Diamond *v.* Campbell-Jones [1961] Ch. 22; [1960] 2 W.L.R. 568

Karsberg (B.) Ltd., In re [1956] 1 W.L.R. 57; [1955] 3 All E.R. 854, C.A. *Distinguished*, In re Vuma Ltd. [1960] 1 W.L.R. 1283

Kaslefsky *v.* Kaslefsky [1951] P. 38; 66 T.L.R. (Pt. 2) 616; [1950] 2 All E.R. 398, C.A. *Applied*, Eastland *v.* Eastland [1954] P. 403; [1954] 2 W.L.R. 851; *Observations of Denning L.J. applied*, Cooper *v.* Cooper [1955] P. 99; [1954] 3 W.L.R. 867, D.C. *Distinguished*, Wright *v.* Wright [1960] P. 85; [1960] 2 W.L.R. 499

Kasler & Cohen *v.* Slavonski [1928] 1 K.B. 78; *subsequent proceedings*, sub nom. Slavonski *v.* La Pelleterie De Roubaix Société Anonyme (1927) 137 L.T. 645. *Followed*, Butterworth *v.* Kingsway Motors [1954] 1 W.L.R. 1286

Kates *v.* Jeffery [1914] 3 K.B. 160, D.C. *Applied*, London County Council *v.* Farren [1956] 1 W.L.R. 1298, C.A.

Kawasaki Kisen Kabushiki Kaisha of Kobe *v.* Bantham S.S. Co., (No. 2) [1939] 2 K.B. 544; 55 T.L.R. 503; [1939] 1 All E.R. 819, C.A. *Applied*, Luigi Monta of Genoa *v.* Cechofracht Co. [1956] 2 Q.B. 552; [1956] 3 W.L.R. 481

Kay *v.* Butterworth (1945) 61 T.L.R. 452. *Considered*, Hill *v.* Baxter [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76, D.C.

Kay *v.* Kay [1904] P. 382; 20 T.L.R. 521. *Applied*, W. *v.* W. (No. 2) [1954] P. 486; [1954] 3 W.L.R. 381

Kay's Settlement Trusts, In re. Broadbent *v.* Macnab [1939] Ch. 329; 55 T.L.R. 332; [1939] 1 All E.R. 245. *Distinguished*, In re Moritz, decd. [1960] Ch. 251; [1959] 3 W.L.R. 939

Kaye *v.* Burrows [1931] A.C. 446; 47 T.L.R. 308, H.L. *Distinguished*, Wilson Brothers *v.* Edwards (Valuation Officer); Hudson's Bay Co. *v.* Thomas (Valuation Officer) [1958] 1 W.L.R. 955, C.A.

Kearns *v.* Gee, Walker Slater [1937] 1 K.B. 187; 53 T.L.R. 38; [1936] 3 All E.R. 151, C.A. *Applied*, Bailey *v.* Ayr Engineering and Constructional Co. [1959] 1 Q.B. 183; [1958] 2 W.L.R. 882, C.A.

Keating *v.* Horwood (1926) 28 Cox C.C. 198, D.C. *Distinguished*, Fisher *v.* Bell [1961] 1 Q.B. 394; [1960] 3 W.L.R. 919

Keats *v.* Keats and Montezuma (1859), 1 Sw. & Tr. 334. *Followed*, Roe *v.* Roe [1956] 1 W.L.R. 1380, D.C. *Considered*, Burch *v.* Burch [1958] 1 W.L.R. 480; [1958] 1 All E.R. 848

Keats *v.* London County Council [1954] 1 W.L.R. 1357; [1954] 3 All E.R. 303. *Questioned*, Norris *v.* Edmonton Corporation [1957] 2 Q.B. 564; [1957] 3 W.L.R. 389, D.C. *Applied*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886, D.C. *Overruled*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630, C.A.

Keele Estates, In re. Aveling *v.* Sneyd [1952] Ch. 603; [1952] 2 T.L.R. 149; [1952] 2 All E.R. 164, C.A. *Distinguished*, In re Lonsdale Wills Trusts. [1960] Ch. 288; [1959] 3 W.L.R. 879, C.A.

Keeley *v.* Keeley [1952] W.N. 496; [1952] 2 T.L.R. 756, C.A. *Distinguished*. Clark *v.* Clark [1956] 1 W.L.R. 345. *Applied*, Lilley *v.* Lilley [1960] P. 158; [1959] 3 W.L.R. 306, C.A.

Keeves *v.* Dean [1924] 1 K.B. 685; 40 T.L.R. 211, C.A. *Considered*, American Economic Laundry Ltd. *v.* Little [1951] 1 K.B. 400; 66 T.L.R. (Pt. 2) 1080; [1950] 2 All E.R. 1186, C.A.

Keighery Pty. (W. P.) *v.* Commissioner of Taxation (1958) Argus L.R. 97. *Considered*, Newton *v.* Commissioner of Taxation of the Commonwealth of Australia [1958] A.C. 450; [1958] 3 W.L.R. 195, P.C.

Keith *v.* Twentieth Century Club (1904) 73 L.J.Ch. 545; 20 T.L.R. 462. *Followed and considered*. In re Ellenborough Park; In re Davies, decd., Powell *v.* Maddison [1956] Ch. 131; [1955] 3 W.L.R. 92, 893, C.A.

Kellner's Will Trusts, In re [1950] Ch. 46, 57; 65 T.L.R. 695, C.A. *Considered*, In re Meyers [1951] Ch. 534; [1951] 1 T.L.R. 435; [1951] 1 All E.R. 538

Kelly *v.* National Society of Operative Printers' Assistants (1915) 84 L.J.K.B. 2236; 31 T.L.R. 632, C.A. *Applied*, Bonsor *v.* Musicians' Union [1954] Ch. 479; [1954] 2 W.L.R. 687, C.A. *Overruled*, *ibid.* [1956] A.C. 104; [1955] 3 W.L.R. 788, H.L.

Kelly's Directories Ltd. *v.* Gavin & Lloyd [1901] 2 Ch. 763, 767; 18 T.L.R. 346. *Considered*, Korner *v.* H. Korner & Co. Ltd. [1951] Ch. 10; 66 T.L.R. (Pt. 2) 469; [1950] 2 All E.R. 451, C.A.

Kelner *v.* Baxter (1866) L.R. 2 C.P. 174. *Considered*, Newborne *v.* Sensolid (Great Britain) [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596, C.A.

Kelsall Parsons & Co. *v.* Inland Revenue Commissioners (1938) 21 T.C. 608. *Applied*, Anglo-French Exploration Co. *v.* Clayson (Inspector of Taxes) [1956] 1 W.L.R. 325, C.A.; Wiseburgh *v.* Domville (Inspector of Taxes) [1956] 1 W.L.R. 312, C.A.

Kempster *v.* McKenzie [1952] T.R. 189; 45 R. & I.T. 348. *Distinguished* G. H. Chambers (Northiam Farms) *v.* Watmough (Inspector of Taxes) [1956] 1 W.L.R. 1484

Kemshead *v.* British Transport Commission [1958] 1 W.L.R. 173n. *Followed*, Hazell *v.* British Transport Commission [1958] 1 W.L.R. 169

Kemsley *v.* Foot [1952] A.C. 345; [1952] 1 T.L.R. 532; [1952] 1 All E.R. 501, H.L.; affirming [1951] 2 K.B. 34; [1951] 1 T.L.R. 197; [1951] 1 All E.R. 331. *Applied*, Cadam and Others *v.* Beaverbrook Newspapers [1959] 1 Q.B. 413; [1959] 2 W.L.R. 324, C.A.

Kendall *v.* Kendall [1952] 2 All E.R. 1038n., D.C. *Followed*, Smyth *v.* Smyth [1956] P. 427; [1956] 3 W.L.R. 211, D.C.

Kennedy *v.* Dodson [1895] 1 Ch. 334, C.A. *Applied*, Ramsey *v.* Ramsey [1956] 1 W.L.R. 542

Kennell *v.* Abbott (1799) 4 Ves. 802. *Applied*, Posner, decd., In the Estate of, Posner *v.* Miller [1953] P. 277; [1953] 2 W.L.R. 1149

Kent *v.* Conniff [1952] 2 T.L.R. 209. *Affirmed* [1953] 1 Q.B. 361; [1953] 2 W.L.R. 41, C.A.

Kenward *v.* Kenward [1950] P. 71; 65 T.L.R. 707; [1949] 2 All E.R. 959. *Reversed* [1951] P. 124; (1950) 66 T.L.R. (Pt. 2) 157; [1950] 2 All E.R. 297, C.A.

Kentwood Constructions Ltd., In re [1960] 1 W.L.R. 646; [1960] 2 All E.R. 655. *Approved*, In re Trepca Mines Ltd. [1960] 1 W.L.R. 1273

Kerly, Son & Verden, In re [1901] 1 Ch. 467; 17 T.L.R. 123, 189, C.A. *Referred to*, Sheldon *v.* Brown Bayley's Steel Works and Dawnays [1953] 2 Q.B. 393; [1953] 3 W.L.R. 542, C.A.

Kerr *v.* Bryde [1923] A.C. 16; 39 T.L.R. 61, H.L. *Dictum of Lord Sumner applied*, Bathavon Rural District Council *v.* Carlile [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545, C.A.

Kessowji Issar *v.* Great Indian Peninsula Railway Co. (1907), 23 T.L.R. 530, P.C. *Distinguished*, Buckingham *v.* Daily News [1956] 2 Q.B. 534; [1956] 3 W.L.R. 375, C.A.

Kestell *v.* Langmaid [1950] 1 K.B. 233; 65 T.L.R. 699; [1949] 2 All E.R. 749, C.A. *Considered*, Boddington *v.* Wisson [1951] 1 K.B. 606; [1951] 1 All E.R. 166, C.A.

Kestrel, The (1866) L.R. 1 A. & E. 78. *Applied*, Adelphi Hotel (Brighton), In re, District Bank *v.* Adelphi Hotel (Brighton) [1953] 1 W.L.R. 955

Kettlewell *v.* Kettlewell [1898] P. 138; 14 T.L.R. 96. *Considered*, Schlesinger *v.* Scheslinger [1960] P. 191; [1960] 3 W.L.R. 83

Kettlewell *v.* Watson (1884) 26 Ch.D. 501; 53 L.J.Ch. 717; 51 L.T. 135; 32 W.R. 865, C.A. *Explained*, In re Birmingham, decd. [1959] Ch. 523; [1958] 3 W.L.R. 10

Kevern *v.* Williams (1832) 5 Sim. 171. *Not followed*, In re Ransome, decd. [1957] Ch. 348; [1957] 2 W.L.R. 557

Keynsham Blue Lias Lime Co. *v.* Baker (1863) 2 H. & C. 729. *Applied*, Davies *v.* British Geon [1956] 1 W.L.R. 770; [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Kilford *v.* Kilford [1947] P. 100; 63 T.L.R. 436; [1947] 2 All E.R. 381. *Distinguished*, Russell *v.* Russell [1956] P. 283 [1956] 2 W.L.R. 545, C.A.

Kilgollan *v.* Cooke (William) & Co. [1956] 1 W.L.R. 527; [1956] 2 All E.R. 294, C.A. *Distinguished*, Hoare *v.* M. & W. Grazebrook [1957] 1 W.L.R. 639

Kilsby *v.* Horsford (1949) 93 S.J. 601, D.C. *Applied*, Challand *v.* Bartlett [1953] 1 W.L.R. 1105, D.C.

Kimpton *v.* Steel Company of Wales Ltd. [1960] 1 W.L.R. 527, 530; [1960] 2 All E.R. 274, C.A. *Dicta applied*, Cherry *v.* International Alloys Ltd. [1961] 1 Q.B. 136; [1960] 3 W.L.R. 563

Kinally *v.* Home Office, The Times, July 25, 1959. *Considered*, Reg. *v.* Governor of Parkhurst Prison, Ex parte Philpot [1960] 1 W.L.R. 115, 117

King, In re [1923] 1 Ch. 243. *Applied*, In re Raine, decd. Walton *v.* Attorney-General [1956] Ch. 417; [1956] 2 W.L.R. 450

King *v.* King [1953] 3 W.L.R. 433; [1953] 2 All E.R. 595. *Affirmed* [1954] P. 55; [1953] 3 W.L.R. 767; [1953] 2 All E.R. 1029, C.A. *Dicta of Denning, L.J. followed*, Bradley *v.* Bradley [1956] P. 326; [1956] 2 W.L.R. 654. *Dictum of Denning L.J. not followed*, Pigott *v.* Pigott [1958] P. 1; [1957] 3 W.L.R. 781, C.A.

King *v.* Phillips [1952] 2 T.L.R. 277; [1952] 2 All E.R. 459. *Affirmed* [1953] 1 Q.B. 429; [1953] 2 W.L.R. 526; [1953] 1 All E.R. 617, C.A. *Applied*, Lewis *v.* Carmarthenshire County Council [1953] 1 W.L.R. 1439, C.A.

King *v.* Victoria Insurance Co. [1894] A.C. 250; 12 T.L.R. 285, P.C. *Applied*, In re Miller, Gibb & Co. [1957] 1 W.L.R. 704

King's College, Cambridge *v.* Kershman (1948) 64 T.L.R. 547, C.A. *Distinguished*, Thompson *v.* Ward [1953] 2 Q.B. 153; [1953] 2 W.L.R. 1042, C.A.

King's Norton Metal Co. Ltd. *v.* Edridge, Merrett & Co. Ltd. (1897) 14 T.L.R. 98. *Considered*, Ingram *v.* Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504

Kingston Cotton Mill Co., In re [1896] 1 Ch. 6; 12 T.L.R. 21, 60, 123, 430. *Applied*, Reg. *v.* Shacter [1960] 2 Q.B. 252; [1960] 2 W.L.R. 258

Kingston Cotton Mill Co. (No. 2), In re [1896] 2 Ch. 279; 12 T.L.R. 430. *Applied*, In re B. Johnson & Co. (Builders) [1955] Ch. 634; [1955] 3 W.L.R. 269, C.A.

Kingston-on-Thames Corpn. *v.* Baverstock (1909) 73 J.P. 378. *Distinguished*, Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

Kingston Union Assessment Committee *v.* Metropolitan Water Board [1926] A.C. 331; 42 T.L.R. 275, H.L. *Applied*, Metropolitan Water Board *v.* Borough of Hertford [1953] 1 W.L.R. 622, C.A. *Applied*, Clayton (Valuation Officer) *v.* British Transport Commission [1955] 1 W.L.R. 504. *Referred to*, Mid-Northamptonshire Water Board *v.* Lee [1958] A.C. 68; [1957] 2 W.L.R. 881, H.L.

Kinnane *v.* Kinnane [1953] 3 W.L.R. 782; [1953] 2 All E.R. 1144. *Applied*, Starkie *v.* Starkie [1954] 1 W.L.R. 98, D.C. *Dicta of Lord Merriman P. applied*, Cooke *v.* Cooke [1960] 3 W.L.R. 807

Kirby *v.* Wilkins [1929] 2 Ch. 444. *Applied*, In re Castiglione's Will Trusts. Hunter *v.* Mackenzie [1958] Ch. 549; [1958] 2 W.L.R. 400

Kiri Banda *v.* Hemasinghe (1950) 52 N.L.R. 69. *Considered*, Kanapathipillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Kirk *v.* Kirk (1947) 63 T.L.R. 422; [1947] 2 All E.R. 118, D.C. *Applied*, Wood *v.* Wood [1956] 3 W.L.R. 888, D.C. *Distinguished* [1957] P. 254; [1957] 2 W.L.R. 827, C.A.

Kirkham *v.* Boughey [1957] 3 W.L.R. 626; [1957] 3 All E.R. 153. *Distinguished*, McNeill *v.* Johnstone [1958] 1 W.L.R. 888

Kirkness *v.* Hudson (John) & Co. [1955] A.C. 696; [1955] 2 W.L.R. 1135; [1955] 2 All E.R. 345, H.L. *Considered*, Inland Revenue Commissioners *v.* Wood Bros. (Birkenhead) (In Liquidation) [1957] 3 W.L.R. 714, C.A.; [1959] A.C. 487; [1959] 2 W.L.R. 47, H.L.

Kisch *v.* Hawes Bros. [1935] Ch. 102. *Considered*, Davies v. Hall [1954] 1 W.L.R. 855. *Applied*, Warner *v.* Sampson [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212. *Overruled*, Warner *v.* Sampson [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109, C.A.

Kitchen's Trustee *v.* Madders [1950] Ch. 134; [1949] 2 All E.R. 1079, C.A. *Distinguished*, Court *v.* Robinson [1951] 2 K.B. 60; [1951] 1 All E.R. 209, C.A. *Explained and distinguished*, Bradley-Hole *v.* Cusen [1953] 1 Q.B. 300; [1953] 2 W.L.R. 193, C.A.

Kite, The [1933] P. 154; 49 T.L.R. 525. *Explained*, Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342, C.A.

Kleinwort, Sons & Co. *v.* Ungarische Baumwolle Industrie Atkiengesellschaft [1939] 2 K.B. 678; 55 T.L.R. 814; [1939] 3 All E.R. 38, C.A. *Followed*, British Nylon Spinners *v.* Imperial Chemical Industries [1955] Ch. 37; [1954] 3 W.L.R. 505. *Applied*, Metliss *v.* National Bank of Greece and Athens [1957] 2 Q.B. 33; [1957] 2 W.L.R. 571, C.A. *Considered*, sub nom. National Bank of Greece and Athens S.A. *v.* Metliss [1958] A.C. 509; [1957] 3 W.L.R. 1056, H.L.

Kloebe, In re, Kannreuther *v.* Geiselbrecht (1884) 28 Ch.D. 175; 1 T.L.R. 139. *Observations of Pearson J. applied*, In re Azoff-Don Commercial Bank [1954] Ch. 315; [1954] 2 W.L.R. 654

Klucinski *v.* Klucinski [1953] 1 W.L.R. 522; [1953] 1 All E.R. 683, D.C. *Considered and applied*, J. *v.* J. [1955] P. 215; [1955] 2 W.L.R. 973

Kneen *v.* Martin [1935] 1 K.B. 499. *Considered*, Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1959] 1 W.L.R. 577, C.A.

Knight, In re [1957] Ch. 441; [1957] 2 W.L.R. 987; [1957] 2 All E.R. 252. *Referred to*, In re McMorran, decd. Mercantile Bank of India *v.* Perkins [1958] Ch. 724; [1958] 2 W.L.R. 327

Knight *v.* Calder Grove Estates (1954) 35 T.C. 447. *Considered*, H. J. Rorke Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1132

Knight *v.* Demolition and Construction Co. Ransome *v.* The Same [1953] 1 W.L.R. 981; [1953] 2 All E.R. 508. *Reversed in part* [1954] 1 W.L.R. 563, C.A.

Knight *v.* Knight [1925] Ch. 835; 41 T.L.R. 421, C.A. *Applied*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 60, D.C.

Knight and the Tabernacle Permanent Benefit Building Society, In re [1892] 2 Q.B. 613; 8 T.L.R. 783, C.A. *Distinguished*, Lloyds Bank *v.* Jones [1955] 2 Q.B. 298; [1955] 3 W.L..R 6, C.A.

Knightsbridge Estates Trust *v.* Deeley [1950] 2 K.B. 228; 66 T.L.R. (Pt. 1) 867; [1950] 1 All E.R. 577, C.A. *Considered*, Cadogan *v.* Henthorne [1957] 1 W.L.R. 2

Knott *v.* Knott [1935] P. 158; 51 T.L.R. 499, D.C. *Considered and distinguished*, Hickson *v.* Hickson [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308, C.A.

Knott *v.* London County Council [1934] 1 K.B. 126; 50 T.L.R. 55. *Appliel*, Rands *v.* McNeil [1955] 1 Q.B. 253; [1954] 3 W.L.R. 905, C.A.

Knox *v.* Gye (1871) L.R. 5 H.L. 656. *Considered*, Gordon *v.* Gonda [1955] 1 W.L.R. 885, C.A.

Koenigsberg, In re, Public Trustee *v.* Koenigsberg [1949] Ch. 348; [1949] 1 All E.R. 804, C.A. *Considered and Discussed*, In re Wright, Blizard *v.* Lockhart [1954] Ch. 347; [1954] 2 W.L.R. 481, 972, C.A.

Koitaki Para Rubber Estates *v.* Federal Commissioner of Taxation (1940) 64 C.L.R. 15. *Dictum of Dixon J. applied*, Bullock *v.* Unit Construction Co. [1959] Ch. 147; [1958] 3 W.L.R. 504; [1959] Ch. 315; [1959] 2 W.L.R. 437, C.A. *Considered*, Unit Construction Co. and Bullock (Inspector of Taxes) [1960] A.C. 351; [1959] 3 W.L.R. 1022, H.L.

Kokusai Kisen Kabushiki Kaisha *v.* Flack & Son (1922) 10 Ll.L.Rep. 635. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Kokusai Kisen Kabushiki Kaisha *v.* Johnson (1921) 8 Ll.L.Rep. 434. *Considered*, Hong Guan & Co. Ltd. *v.* R. Jumabhoy & Sons Ltd. [1960] A.C. 684; [1960] 2 W.L.R. 754

Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1957] 1 W.L.R. 1012; [1957] 3 All E.R. 158. *Decision of Lloyd-Jacob J. affirmed* [1959] Ch. 108; [1958] 2 W.L.R. 858, C.A.

Kornatzki *v.* Oppenheimer [1937] 4 All E.R. 133. *Applied*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

Korner *v.* Witkowitzer [1950] 2 K.B. 128; 66 T.L.R. (Pt. 1) 834; [1950] 1 All E.R. 558, C.A. *Affirmed* sub nom. Vitkovice Horni A Hutni Tezirstvo *v.* Korner [1951] A.C. 869; [1951] 2 T.L.R. 188; [1951] 2 All E.R. 334, H.L.

Kotzias *v.* Tyser [1920] 2 K.B. 69; 36 T.L.R. 174. *Distinguished*, In re Grotrian, Cox *v.* Grotrian [1955] Ch. 501; [1955] 2 W.L.R. 696

Krajina *v.* Tass Agency (of Moscow) [1949] 2 All E.R. 274, C.A. *Considered*, Baccus S.R.L. *v.* Servicio Nacional del Trigo [1957] 1 Q.B. 438; [1956] 3 W.L.R. 948, C.A.

Krawill Machinery Corporation *v.* Robert C. Herd & Co. Inc. [1959] 1 Lloyd's Rep. 305, C.A. *Applied*, Midland Silicones Ltd. *v.* Scruttons Ltd. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372

Krog & Co. *v.* Burns and Lindemann (1903) 5 F. 1189. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Kruse *v.* Johnson [1898] 2 Q.B. 91; 14 T.L.R. 416, D.C. *Considered and applied*, Townsend (Builders) *v.* Cinema News and Property Management [1959] 1 W.L.R. 119, C.A.

Kushler (M.), In re [1943] Ch. 248; 59 T.L.R. 328; [1943] 2 All E.R. 22, C.A. *Applied*, In re Cutts (A Bankrupt), Ex parte Bognor Mutual Building Society *v.* Trustee of T. W. Cutts [1956] 1 W.L.R. 729, C.A.

Kuzmicz (an Infant), In re [1952] 2 T.L.R. 745; sub nom. In re Adoption Act, 1950, In re K. (an Infant) [1953] 1 Q.B. 117; sub nom. In re K. (an Infant), Rogers *v.* Kuzmicz, 117 J.P. 9; [1952] 2 All E.R. 877, C.A. *Considered*, Watson *v.* Nikolarsen [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187, D.C.

Kwamina Kuma *v.* Kofi Kuma (1939) 5 W.A.C.A. 4. *Applied*, Stool of Abinabina *v.* Chief Kojo Enyimadu [1953] A.C. 207; [1953] 2 W.L.R. 261, P.C.

Kwow (Archie) *v.* Ohene Essein Eku II (1934) 2 W.A.C.A. 180. *Approved*, Vanderpuye *v.* Botchway [1956] A.C. 501; [1956] 2 W.L.R. 1081, P.C.

L. *v.* L. [1931] P. 63; 47 T.L.R. 260. *Considered*, N. *v.* N. and L. [1957] P. 333; [1957] 2 W.L.R. 797

L. *v.* L. (falsely called W.) (1882) 7 P.D. 16. *Applied*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

Lacey & Son, In re (1883) 25 Ch.D. 301, C.A. *Distinguished*, In re 10, The Terrace, Hampton Wick, Middlesex. Broughton *v.* Thorne [1957] 1 W.L.R. 223. *Referred to*, In re Taxation of Costs. In re A Solicitor [1957] 1 W.L.R. 281, C.A.

Lacon, In re [1891] 2 Ch. 482; 7 T.L.R. 457, C.A. *Considered*, In re Hayward, decd. [1957] Ch. 528; [1957] 3 W.L.R. 51, C.A.

Lacteosote *v.* Alberman [1927] 2 Ch. 117; 43 T.L.R. 336. *Considered*, Reuter (R. J.) Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789, C.A.

Lacy *v.* Berry (1659) 2 Sid. 155. *Considered*, Aglionby *v.* Cohen [1955] 1 Q.B. 558; [1955] 1 W.L.R. 730

Lagos *v.* Grunwaldt [1910] 1 K.B. 41; 26 T.L.R. 69. *Distinguished*, Les Fils Dreyfus Et Cie Société Anonyme *v.* Clarke [1958] 1 W.L.R. 300, C.A.

Laing (John) & Son *v.* Kingswood Assessment Committee [1949] 1 K.B. 344; 65 T.L.R. 80; [1949] 1 All E.R. 224, C.A. *Applied*, London County Council *v.* Wilkins (Valuation Officer), Same *v.* Knight (Valuation Officer) [1955] 2 W.L.R. 1095; [1956] 3 W.L.R. 505. *Dictum of Tucker L.J. applied*, Peak *v.* Burley Golf Club [1960] 1 W.L.R. 568, 577

Lainson *v.* Lainson (1854) 5 De G.M. & G. 754, L.JJ. *Applied*, In re Flower's Settlement Trusts [1957] 1 W.L.R. 401, C.A.

Lake *v.* Simmons [1926] 2 K.B. 51; 43 T.L.R. 417, C.A.; [1927] A.C. 487; 43 T.L.R. 417, H.L. *Considered*, Pearson *v.* Rose & Young Ltd. [1951] 1 K.B. 275; (1950) 66 T.L.R. (Pt. 2) 886; [1950] 2 All E.R. 1027, C.A.; John Rigby (Haulage) *v.* Reliance Marine Insurance Co. [1956] 2 Q.B. 468; [1956] 3 W.L.R. 407, C.A. *Dictum of Viscount Haldane applied*, Ingram *v.* Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504

Lambe *v.* Inland Revenue Commissioners [1934] 1 K.B. 178. *Dicta of Finlay J. considered*, Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch. 792; [1958] 2 W.L.R. 815, C.A. *Considered*, Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842, H.L.

Lambert *v.* Thwaites (1866) L.R. 2 Eq. 151. *Applied*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Lambeth Overseers *v.* London County Council [1897] A.C. 625; 19 T.L.R. 372, C.A. *Applied*, Sheffield Corporation *v.* Tranter (Valuation Officer) [1957] 1 W.L.R. 843, C.A.

Lancashire Loans *v.* Black [1934] 1 K.B. 380, C.A. *Applied*, Bullock *v.* Lloyds Bank [1955] Ch. 317; [1955] 2 W.L.R. 1

Lancaster Banking Corporation, Ex parte. In re Westby (1878) 10 Ch.D. 776. *Considered*, Cotterell *v.* Price [1960] 1 W.L.R. 1097

Lancaster *v.* Lancaster [1896] P. 75, 118, C.A. *Explained*, Copeland *v.* Houlton [1955] 1 W.L.R. 1073

Lance *v.* Lance and Gardiner [1958] P. 134n.; [1958] 2 W.L.R. 316n.; [1958] 1 All E.R. 388n. *Distinguished*, Wilson *v.* Wilson [1958] 1 W.L.R. 1090

Land Settlement Association Ltd. *v.* Carr [1944] K.B. 657; 60 T.L.R. 488; [1944] 2 All E.R. 126, C.A. *Considered*, Gladstone *v.* Bower [1960] 1 Q.B. 170; [1960] 3 W.L.R. 575

Landa *v.* Greenberg (1908) 24 T.L.R. 441. *Applied*, Forbes *v.* Kemsley Newspapers Ltd. [1951] 2 T.L.R. 656

Landau, In re, Ex parte Trustee [1934] Ch. 547; 50 T.L.R. 403, C.A. *Applied*, In re Tennant's Application [1956] 1 W.L.R. 128, 874, C.A.

Lane *v.* Cotton (1701) 1 Can. 100. *Dicta of Gould J. approved*, Triefus & Co. *v.* Post Office [1957] 2 Q.B. 352; [1957] 3 W.L.R. 2, C.A.

Lane *v.* Esdaile [1891] A.C. 210, H.L. *Applied*, Whitehouse *v.* Board of Control [1960] 1 W.L.R. 1093

Lang *v.* Lang (1953) 86 C.L.R. 432. *Affirmed* [1955] A.C. 402; [1954] 3 W.L.R. 762; [1954] 3 All E.R. 571, P.C. *Considered*, Marjoram *v.* Marjoram [1955] 1 W.L.R. 520, D.C. *Applied*, Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782; Waters *v.* Waters [1956] P. 344; [1956] 2 W.L.R. 662, D.C.

Lang *v.* Webb (1912) 13 C.L.R. 503. *Dictum of Isaacs J. approved*, Clifford John Chick *v.* Commissioner of Stamp Duties [1958] A.C. 435; [1958] 3 W.L.R. 93, P.C.

Langford Property Co. *v.* Batten (1949) 65 T.L.R. 577; [1949] 2 All E.R. 422, C.A.; reversed [1951] A.C. 223; 66 T.L.R. (Pt. 2) 958; [1950] 2 All E.R. 1079, H.L. *Applied*, Higgins *v.* Silverston [1956] 2 Q.B. 525; [1956] 3 W.L.R. 448, C.A.

Langford Property Co. *v.* Goldrich [1949] 1 K.B. 511; [1949] 1 All E.R. 402, C.A. *Considered*, Lower *v.* Porter [1956] 1 Q.B. 325; [1956] 2 W.L.R. 216, C.A.

Langford Property Co. *v.* Tureman [1949] 1 K.B. 29; 64 T.L.R. 517; sub nom. Langford Property Co. *v.* Athanassoglou [1948] 2 All E.R. 722, C.A. *Explained*, Beck *v.* Scholz [1953] 1 Q.B. 570; [1953] 2 W.L.R. 651, C.A.

Langman *v.* Valentine [1952] 2 T.L.R. 713; [1952] 2 All E.R. 803, D.C. *Distinguished*, Evans *v.* Walkden [1956] 1 W.L.R. 1020, D.C.

Langrick *v.* Langrick and Funnell [1920] P. 90; 36 T.L.R. 308. *Followed*, Lycett-Green *v.* Lycett-Green and Du Puy [1956] 1 W.L.R. 990

Langstone *v.* Hayes [1946] K.B. 109; 62 T.L.R. 74; [1946] 1 All E.R. 114, C.A. *Considered*, Hinde *v.* Hinde [1953] 1 W.L.R. 175, C.A.

Langworthy *v.* Langworthy (1886) 11 P.D. 85; 2 T.L.R. 373, C.A. *Considered*, Galloway *v.* Galloway [1954] P. 312; [1954] 2 W.L.R. 980, C.A.

Lapford (Devon) Parish Church, In re [1954] P. 416; [1954] 2 W.L.R. 1105; [1954] 2 All E.R. 310. *Affirmed*, [1955] P. 205; [1954] 3 W.L.R. 748; sub nom. Re Lapford [1954] 3 All E.R. 484, C.A. *Applied*, In re St. Mary, Tyne Dock [1958] P. 156; [1957] 3 W.L.R. 945; In re St. Michael and All Angels, Bishopwearmouth, Rector and Churchwardens of Bishopwearmouth *v.* Adey [1958] 1 W.L.R. 1183

Lassence *v.* Tierney (1849) 1 Mac. & G. 551. *Applied*, In re Bland-Sutton's Will Trusts [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494, C.A.

Laszczyk *v.* National Coal Board [1954] 1 W.L.R. 1426; [1954] 3 All E.R. 205. *Applied*, Williams *v.* Port of Liverpool Stevedoring Co. [1956] 1 W.L.R. 551

Latham *v.* Johnson (R.) & Nephew [1913] 1 K.B. 398; 29 T.L.R. 124, C.A. *Applied*, Dunster *v.* Abbott [1954] 1 W.L.R. 58, C.A.; Dyer *v.* Ilfracombe Urban District Council [1956] 1 W.L.R. 219, C.A.; Ewa Perkowski *v.* Wellington Corporation [1959] A.C. 53; [1958] 3 W.L.R. 564, P.C.. *Considered*, Bates *v.* Stone Parish Council [1954] 1 W.L.R. 1249, C.A. *Dictum of Hamilton L.J. Explained*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

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Leaf *v.* International Galleries (a Firm) [1950] 2 K.B. 86; 66 T.L.R. (Pt. 1) 1031; [1950] 1 All E.R. 693, C.A. *Observations of Denning L.J. applied*, Long *v.* Lloyd [1958] 1 W.L.R. 753, C.A.

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Learoyd *v.* Brook [1891] 1 Q.B. 431; 7 T.L.R. 236. *Distinguished*, McDonald *v.* John Twiname [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347, C.A.

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Leigh *v.* Jack (1879) 5 Ex.D. 264. C.A. *Applied*, Williams Brothers Direct Supply *v.* Raftery [1958] 1 Q.B. 159; [1957] 3 W.L.R. 932, C.A.

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Leng *v.* Leng (1946) 62 T.L.R. 722; [1946] 2 All E.R. 590. *Applied*, Lilley *v.* Lilley [1961] P. 158; [1959] 3 W.L.R. 306, C.A.

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Le Roy-Lewis *v.* Le Roy-Lewis [1955] P. 1; [1954] 3 W.L.R. 549; [1954] 3 All E.R. 57. *Applied*, Griffith *v.* Griffith [1957] 1 W.L.R. 478

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Leslie & Co. *v.* Cumming [1926] 2 K.B. 417; 42 T.L.R. 504. *Distinguished*, John M. Brown Ltd. *v.* Bestwick [1951] 1 K.B. 21; 66 T.L.R. (Pt. 2) 248; [1950] 2 All E.R. 338, C.A.

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Letang *v.* Ottawa Electric Railway Co. [1926] A.C. 725; 42 T.L.R. 596, P.C. *Applied*, Baker *v.* T. E. Hopkins & Son [1959] 1 W.L.R. 966, C.A.

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Levett *v.* Levett and Smith [1957] 2 W.L.R. 484; [1957] 1 All E.R. 720, C.A. *Applied*, Russell *v.* Russell and Roebuck [1957] P. 375; [1957] 2 W.L.R. 898

Levy *v.* Goldhill [1917] 2 Ch. 297; 33 T.L.R. 479. *Considered*, Sellers *v.* London Counties Newspapers [1951] 1 K.B. 784; [1951] 1 All E.R. 544, C.A.

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Lewis *v.* Haverfordwest Rural District Council [1953] 1 W.L.R. 1486; [1953] 2 All E.R. 1599. *Observations of Lord Goddard C.J. applied*, Wootton *v.* Central Land Board [1957] 1 W.L.R. 426, C.A. *Explained*, Perry *v.* Stopher [1959] 1 W.L.R. 415, C.A.

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Lewis *v.* Lewis [1908] P. 1; 24 T.L.R. 45. *Applied*, In the Estate of Little, decd. [1960] 1 W.L.R. 495

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Lewishamy *v.* De Silva (1906) 3 Bal. 43. *Applied*, Abeyawardene *v.* West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C.

Le Witt *v.* Brookes [1956] 1 W.L.R. 1438; [1956] 3 All E.R. 676, C.A. *Distinguished*, Harewood Hotels *v.* Harris [1958] 1 W.L.R. 108, C.A.

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Lilley *v.* Pettit [1946] K.B. 401; 62 T.L.R. 359; [1946] 1 All E.R. 539, D.C. *Dictum of Lord Goddard C.J. referred to*, Thrasyvoulos Ioannou *v.* Papa Christoforos Demetriou [1952] A.C. 84; [1951] 2 T.L.R. 1177, P.C.

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Limerick *v.* Stott & Co. [1921] 2 K.B. 613; 37 T.L.R. 674, C.A. *Approved*, Reardon Smith Line *v.* Australian Wheat Board [1956] A.C. 266; [1956] 2 W.L.R. 404, P.C.

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Lindley, In the Estate of, decd. [1953] P. 203; [1953] 3 W.L.R. 168; [1953] 2 All E.R. 319. *Followed*, In the Estate of Haslip, decd. [1958] 1 W.L.R. 583.

Lindsay *v.* Lindsay [1934] P. 162; sub nom. L. *v.* L., 50 T.L.R. 441. *Distinguished*, Watson *v.* Watson [1954] P. 48; [1953] 3 W.L.R. 708. *Applied*, Nokes *v.* Nokes [1957] P. 213; [1957] 2 W.L.R. 494. *Distinguished* [1957] P. 213; [1957] 3 W.L.R. 90, C.A.

L'Industrie Verriere, In re [1914] W.N. 222. *Followed*, In re J. & P. Sussman [1958] 1 W.L.R. 519

Line *v.* Stephenson (1838) 4 Bing.N.C. 678; (1838) 5 Bing.N.C. 183. *Applied*, Miller *v.* Emcer Products [1956] Ch. 304; [1956] 2 W.L.R. 267, C.A.

Linnett *v.* Metropolitan Police Commissioner [1946] K.B. 290; 62 T.L.R. 203; [1946] 1 All E.R. 380, D.C. *Distinguished*, Ferguson *v.* Weaving [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412, D.C.

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Li Tsz Chiu *v.* Lo Kar Yam (1948) 32 H.K.L.R. 121, 131. *Approved*, Hangkam Kwingtong Woo *v.* Liu Lan Fong [1951] A.C. 707; [1951] 2 T.L.R. 442; [1951] 2 All E.R. 567, P.C.

Litt, In re, Parry *v.* Cooper [1946] Ch. 154; 62 T.L.R. 303; [1946] 1 All E.R. 314, C.A. *Distinguished*, In re Burton's Settlement Trusts. Public Trustee *v.* Montefiore [1955] Ch. 60; [1954] 3 W.L.R. 574

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Littlechild *v.* Holt [1950] 1 K.B. 1; 65 T.L.R. 270; [1949] 1 All E.R. 933, C.A. *Distinguished*, Tovey *v.* Tyack [1955] 1 Q.B. 57; [1954] 3 W.L.R. 570. *Explained*, Wright *v.* Walford [1955] 1 Q.B. 363; [1955] 2 W.L.R. 198, C.A.

Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation and British Overseas Airways Corporation (Third Party) [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553; [1953] 2 All E.R. 915, C.A. *Affirming* [1953] 1 W.L.R. 426; [1953] 1 All E.R. 583. *Affirmed*, George Wimpey & Co. *v.* British Overseas Airways Corporation [1955] A.C. 169; [1954] 3 W.L.R. 932, H.L. *Applied*, Harvey *v.* R. G. O'Dell Ltd. [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473.

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Lloyd *v.* Lloyd and Hill [1947] P. 89; 63 T.L.R. 110; [1947] 1 All E.R. 383. *Applied*, Roe *v.* Roe [1956] 1 W.L.R. 1380, D.C.

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Lockie, In re [1945] N.Z.L.R. 230. *Applied*, Allen, decd., In re, Faith *v.* Allen [1953] Ch. 810; [1953] 3 W.L.R. 637, C.A.

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Lockwood *v.* Lowe [1954] 2 W.L.R. 296; [1954] 1 All E.R. 472, C.A. *Followed*, Isaacs *v.* Titus [1954] 1 W.L.R. 398, C.A.; Tovey *v.* Tyack [1955] 1 Q.B. 57; [1954] 3 W.L.R. 570, C.A.

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London Export Corporation *v.* Jubilee Coffee Roasting Co. [1958] 1 W.L.R. 271; [1958] 1 All E.R. 494. *Decision of Diplock J. affirmed* [1958] 1 W.L.R. 661, C.A.

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London Transport Executive *v.* Betts [1957] 1 W.L.R. 988; [1957] 3 All E.R. 126. *Decision of the Court of Appeal affirmed* [1959] A.C. 213; [1958] 3 W.L.R. 239, H.L.

Londonderry Presbyterian Church House Trustees *v.* Inland Revenue Commissioners [1946] N.I. 178. *Considered and distinguished*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 3 W.L.R. 135, C.A. *Considered*, sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L.

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Long (Peter) & Partners *v.* Burns [1956] 1 W.L.R. 1083; [1956] 3 All E.R. 207, C.A.; affirming [1956] 1 W.L.R. 413; [1956] 2 All E.R. 25. *Affirmed* [1956] 1 W.L.R. 1084, C.A. *Applied*, Ackroyd & Sons *v.* Hasan [1959] 1 W.L.R. 706

Longhurst *v.* Guildford, Godalming and District Water Board [1960] 2 W.L.R. 383; [1960] 1 All E.R. 54. *Decision of Lord Parker C.J. affirmed* [1960] 3 W.L.R. 1059

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Lord Advocate *v.* Inzievar Estates [1938] A.C. 402; 54 T.L.R. 692; [1938] 2 All E.R. 424, H.L. *Applied*, In re Hodge's Policy [1957] 2 W.L.R. 787; [1957] Ch. 339; [1957] 3 W.L.R. 959, C.A.

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Lorillard, In re, Griffiths *v.* Catforth [1922] 2 Ch. 638; 38 T.L.R. 666, C.A. *Applied*, Delhi Electric Supply and Traction Co., In re [1953] 3 W.L.R. 1085. *Approved*, Government of India, Ministry of Finance (Revenue Division) *v.* Taylor [1955] A.C. 491; [1955] 2 W.L.R. 303, H.L.

Loring *v.* Thomas (1861) 1 Dr. & Sm. 497. *Considered*, Brooke, In re, Jubber *v.* Brooke [1953] 1 W.L.R. 439

Lort-Williams *v.* Lort-Williams [1951] W.N. 314. *Affirmed* [1951] P. 395; [1951] 2 T.L.R. 200; [1951] 2 All E.R. 241, C.A.

Loucks *v.* Standard Oil Co. of New York (1918) 224 N.Y. 99. *Applied*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

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Love *v.* Norman Wright (Builders) [1944] 1 K.B. 484; 60 T.L.R. 349; [1944] 1 All E.R. 618, C.A. *Applied*, In re Bacharach's Will Trusts [1959] Ch. 245; [1959] 2 W.L.R. 1

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Loveday, In the Goods of [1900] P. 154. *Applied*, In the Goods of Galbraith [1951] P. 422; [1951] 2 T.L.R. 412; [1951] 2 All E.R. 470

Loveden *v.* Loveden (1810) 1 Phill.Ecc. 208. *Applied*, Schlesinger *v.* Schlesinger [1958] 1 W.L.R. 882

Loveland (S. C.) Co. *v.* Bethlehem Steel Co. [1929] A.M.C. 1340. *Followed*, The Southern Sword [1951] 2 T.L.R. 1083

Low *v.* Bouverie [1891] 3 Ch. 82; 7 T.L.R. 582, C.A. *Applied*, Curtis *v.* Chemical Cleaning and Dyeing Co. [1951] 1 K.B. 805; [1951] 1 T.L.R. 452; [1951] 1 All E.R. 631, C.A. *Considered*, Hawkesley *v.* May [1956] 1 Q.B. 304; [1955] 3 W.L.R. 570

Low *v.* Guthrie [1909] A.C. 278, 281, H.L. *Applied*, In re R., decd. [1951] P. 10; 66 T.L.R. (Pt. 2) 26; [1950] 2 All E.R. 117

Lowe *v.* Lowe [1952] P. 376; [1952] 2 T.L.R. 505; [1952] 2 All E.R. 671. *Distinguished*, Purton *v.* Purton and George [1957] 1 W.L.R. 216; Key *v.* Key and Staples [1957] 1 W.L.R. 220

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Lower Mainland Dairy Products Sales Adjustment Committee *v.* Crystal Dairy Ltd. [1933] A.C. 168, 173, 174; 49 T.L.R. 104. *Applied*, Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; 66 T.L.R. (Pt. 2) 774, P.C.

Lowry *v.* Sheffield Coal Co. (1907) 24 T.L.R. 142. *Considered*, Staton *v.* National Coal Board [1957] 1 W.L.R. 893

Lowther *v.* Bentinck (1874) L.R. 19 Eq. 166. *Applied*, Livesey, In re, Livesey *v.* Livesey [1953] 1 W.L.R. 1114

Lowther *v.* Heaver (1889) 41 Ch.D. 248, C.A. *Distinguished*, G. L. Baker *v.* Medway Building and Supplies [1958] 1 W.L.R. 1216, C.A.

Lucas, In re, Rhys *v.* Att.-Gen. [1922] 2 Ch. 52. *Considered*, In re Coulthurst [1951] Ch. 661; [1951] 1 T.L.R. 651; [1951] 1 All E.R. 774, C.A. *Dictum not followed*, In re Lewis, decd. Public Trustee *v.* Allen [1955] Ch. 104; [1954] 3 W.L.R. 610

Lucas, In re, Sheard *v.* Mellor [1948] Ch. 424; 64 T.L.R. 343; [1948] 2 All E.R. 22, C.A. *Applied*, Hutchinson's Will Trusts, In re, Gibbons *v.* Nottingham Area No. 1 Hospital Management Committee [1953] Ch. 387; [1953] 2 W.L.R. 872. *Referred to*, In re Bagshaw, decd. [1954] 1 W.L.R. 238

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Luck's Settlement Trusts, In re, Walker *v.* Luck [1940] Ch. 864; 56 T.L.R. 915; [1940] 3 All E.R. 307, C.A. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097. *Applied*, In re Marshall, decd. Barclays Bank *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 400; *distinguished* [1957] Ch. 507; [1957] 3 W.L.R. 539, C.A.

Luckenbach S.S. Co. *v.* United States (1930) 280 U.S. 173. *Distinguished*, Stafford Allen & Sons *v.* Pacific Steam Navigation Co. [1956] 1 W.L.R. 630, C.A.

Ludwell *v.* Newman (1795) 6 Term Rep. 458. *Applied*, Miller *v.* Emcer Products [1956] Ch. 304; [1956] 2 W.L.R. 267, C.A.

Lumley *v.* Wagner (1852) 1 De G.M. & G. 604. *Applied*, Attorney-General ex relatione Allen *v.* Colchester Borough Council [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913

Lumsden *v.* Burnett [1898] 2 Q.B. 177; 14 T.L.R. 403, C.A. *Applied*, Re Cooper (A Bankrupt) [1958] Ch. 922; [1958] 3 W.L.R. 468, D.C.

Lurcott *v.* Wakely & Wheeler [1911] 1 K.B. 905, C.A. *Considered*, Morcom *v.* Campbell-Johnson [1956] 1 Q.B. 106; [1955] 3 W.L.R. 498, C.A.

Luxor (Eastbourne) Ltd. *v.* Cooper [1941] A.C. 108; 57 T.L.R. 213; [1941] 1 All E.R. 33, H.L. *Applied*, Ackroyd & Sons *v.* Hasan [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810. *Considered*, Drewery and Drewery *v.* Ware-Lane [1960] 1 W.L.R. 1204

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Lyne-Stephens and Scott-Miller's Contract, In re [1920] 1 Ch. 472; 36 T.L.R. 307, C.A. Applied, In re Hamilton-Snowball's Conveyance [1959] Ch. 308; [1958] 2 W.L.R. 951

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M. (An Infant), In re [1955] 2 Q.B. 479; [1955] 3 W.L.R. 320; [1955] 2 All E.R. 911, C.A. *Considered*, In re G. (An Infant) [1956] 1 W.L.R. 913, C.A. *Applied*, In re C.T. (An Infant) [1957] 1 Ch. 48; [1956] 3 W.L.R. 827; In re D. (An Infant) [1958] 1 W.L.R. 197, C.A.

M. *v.* M. [1928] P. 123; 44 T.L.R. 299. *Distinguished*, Schlesinger *v.* Schlesinger [1958] 1 W.L.R. 882

M. *v.* M. [1946] P. 31; 62 T.L.R. 16; sub nom. Millard *v.* Millard & Addis [1945] 2 All E.R. 525. *Dictum of Denning J. not followed*, Harrison *v.* Harrison [1951] P. 476; [1951] 2 T.L.R. 242; [1951] 2 All E.R. 346. *Judgment of Denning J. approved*, Galloway *v.* Galloway [1956] A.C. 299; [1955] 3 W.L.R. 723, H.L.

Macadam, In re, Dallow *v.* Codd [1946] Ch. 73; 62 T.L.R. 48; [1945] 2 All E.R. 664. *Applied*, Masters, decd., In re [1953] 1 W.L.R. 81

M'Alister (or Donoghue) *v.* Stevenson [1932] A.C. 562; 48 T.L.R. 494, H.L. *Referred to*, White *v.* John Warwick & Co. [1953] 1 W.L.R. 1285, C.A.

Macartney, In re [1921] 1 Ch. 522. *Distinguished*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

Macaulay, decd., In re the estate of (1951) Cyclostyled Reports, Nov. 23, 1951. *Followed* Bamgbose *v.* Daniel [1955] A.C. 107; [1954] 3 W.L.R. 561, P.C.

Macaulay *v.* O'Donnell [1943] Ch. 435n. *Considered*, Berry *v.* St. Marylebone Borough Council [1958] Ch. 406; [1957] 3 W.L.R. 1029, C.A.

Macaulay's Estate, In re [1943] Ch. 435n. (reported as footnote to In re Price [1943] Ch. 422). *Dicta of Lord Buckmaster applied*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

McCarrick *v.* Liverpool Corporation [1947] A.C. 219; 63 T.L.R. 730; [1946] 2 All E.R. 646, H.L. *Distinguished*, Mint *v.* Good [1951] 1 K.B. 517; 66 T.L.R. (Pt. 2) 1110; [1950] 2 All E.R. 1159, C.A.

McCarter *v.* Brodie (1950) 80 C.L.R. 432; A.L.R. 385. *Dicta of Dixon J. approved*, Hughes and Vale Pty. *v.* State of N.S.W. Australian Commonwealth Interveners [1955] A.C. 245; [1954] 3 W.L.R. 824, P.C.

McCarthy, Ex parte. *See* R. *v.* Sussex Justices

MacCarthy *v.* Agard [1933] 2 K.B. 417, C.A. *Applied*, Thynne *v.* Thynne [1955] 3 W.L.R. 108, 466, C.A. The Liverpool [1959] 1 W.L.R. 297 *Distinguished*, Pearlman (Veneers) S.A. Pty. *v.* Bernhard Bartels [1954] 1 W.L.R. 1457, C.A.

McCheane *v.* Gyles (No. 2) [1902] 1 Ch. 911. *Distinguished*, Dollfus Mieg et Compagnie S.A. *v.* Bank of England [1951] Ch. 33; 66 T.L.R. (Pt. 2) 559; [1950] 2 All E.R. 605

McClelland *v.* Manchester Corporation [1912] 1 K.B. 118; 28 T.L.R. 21. *Distinguished*, Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745

M'Cowan *v.* Stewart, 1936 S.C.(J.) 36. *Followed*, Cording *v.* Halse [1955] 1 Q.B. 63; [1954] 3 W.L.R. 625, D.C.

MacDarmaid *v.* Attorney-General [1950] P. 218; 66 T.L.R. (Pt. 1) 543; [1950] 1 All E.R. 497. *Applied*, Gatty (F. A.) and Gatty (P. V.) *v.* Attorney-General [1951] P. 444; [1951] 2 T.L.R. 599; Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954.

Macdonald *v.* Groundland, 1923 S.C.(J.) 28. *Followed*, Fine-Fare *v* Brighton Corporation [1959] 1 W.L.R. 223, D.C.

M'Donald *v.* Hughes [1902] 1 K.B. 94; 18 T.L.R. 79. *Applied*, Regina *v.* Derby Borough Justices' Confirming Authority. Ex parte Blackshaw [1958] 1 Q.B. 36; [1957] 3 W.L.R. 591, D.C.

Macduff, In re [1896] 2 Ch. 451; 12 T.L.R. 452, C.A. *Applied*, In re Shaw, decd. [1957] 1 W.L.R. 730

McEllistrim *v.* Ballymacelligott Co-operative Agricultural and Dairy Society [1919] A.C. 548; 35 T.L.R. 354, H.L. *Observation of Lord Birkenhead L.C. applied*, Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1959] Ch. 108; [1958] 2 W.L.R. 858, C.A.

Macfarlane *v.* Leclaire (1862) 15 Moo.P.C.C. 181, P.C. *Considered*, Meghji Lakhamshi & Brothers *v.* Furniture Workshop [1954] A.C. 80; [1954] 2 W.L.R. 159, P.C.

Macfarlane's Trustees *v.* Neil's Trustee. Neil's Trustee *v.* City of Glasgow Friendly Society, 1949 S.C. 384. *Affirmed*, sub nom. Hunter *v.* Blackwood. Same *v.* Murray [1951] A.C. 467; [1951] 1 T.L.R. 485, H.L.

McGowan *v.* Robertson. *See* Galletly *v.* Laird

McIlroy *v.* Clements [1923] W.N. 81 (C.A.). *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R. 862

M'Intyre *v.* Laird, 1943 S.C.(J.) 96. *Followed*, Trickers (Confectioners) *v.* Barnes [1955] 1 W.L.R. 373, D.C.

MacIver *v.* Robertson, 1950 S.C.(J.) 56 (and see [1951] 1 K.B. 338). *Not followed*, Newman *v.* Lipman [1951] 1 K.B. 333; [1951] 1 T.L.R. 190; [1950] 2 All E.R. 832, D.C.

Mackay, In re, Mackay *v.* Gould [1906] 1 Ch. 25. *Considered*, Hawkesley *v.* May [1956] 1 Q.B. 304; [1955] 3 W.L.R. 569

Mackay *v.* Dick (1881) 6 App.Cas. 251; 29 W.R. 541, H.L. *Distinguished*, Agrimpex Hungarian Trading Co. for Agricultural Products *v.* Sociedad Financiera de Bienes Raices S.A. The Aello [1958] 2 Q.B. 385; [1960] 3 W.L.R. 145

Mackay *v.* Lord Advocate, 1937 S.C. 860. *Considered*, Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331

McKean *v.* Raynor Brothers [1942] 2 All E.R. 650. *Applied*, Harvey *v.* R. G. O'Dell. Galway (Third Party) [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473

McKee *v.* McKee [1950] S.C.R. (Can.) 700. *Reversed* [1951] A.C. 352; [1951] 1 T.L.R. 755; [1951] 1 All E.R. 942, P.C.

Mackenzie *v.* Allardes [1905] A.C. 285. *Dicta of Lord Macnaghten applied*, In re Rogers' Settlement [1951] Ch. 450; [1951] 1 All E.R. 236

M'Kenzie *v.* British Linen Company (1881) 6 App.Cas. 82, H.L. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 67, P.C.

Mackenzie & Co., In re [1916] 2 Ch. 450. *Applied*, White *v.* Bristol Aeroplane Co. [1953] Ch. 65; [1953] 2 W.L.R. 144, C.A.

Mackenzie-Kennedy *v.* Air Council [1927] 2 K.B. 517; 43 T.L.R. 733, C.A. *Considered*, Land Commissioner *v.* Pillai [1960] A.C. 854; [1960] 3 W.L.R. 626

M'Keown *v.* Roe [1928] Ir.R. 195. *Applied*, Heasman *v.* Jordan [1954] Ch. 744; [1954] 3 W.L.R. 432

Mackley *v.* Nutting [1949] 2 K.B. 55; 65 T.L.R. 255; [1949] 1 All E.R. 413, C.A. *Followed*, Whitmore *v.* Lambert [1955] 1 W.L.R. 495, C.A.

Mackrell *v.* Mackrell [1948] 2 All E.R. 858, C.A. *Followed*, Roe *v.* Roe [1956] 1 W.L.R. 1380, D.C.

Mackusick *v.* Carmichael [1917] 2 K.B. 581; 33 T.L.R. 497. *Applied*, Drive Yourself Hire Co. (London) *v.* Strutt [1953] 2 W.L.R. 953

M'Lachlan *v.* M'Lachlan, 1945 S.C. 382. *Not followed*, Swan *v.* Swan [1953] P. 258; [1953] 3 W.L.R. 591, C.A.

Maclaine & Co. *v.* Eccott [1926] A.C. 424; 42 T.L.R. 416. *Applied*, Firestone Tyre and Rubber Co. *v.* Llewellyn (Inspector of Taxes) [1956] 1 W.L.R. 353, C.A.

MacLaren & Sons *v.* Davis (1890) 6 T.L.R. 372, D.C. *Considered*, Beevis *v.* Dawson [1956] 2 Q.B. 165; [1956] 3 W.L.R. 162

McLean, Ex parte (1930) Argus L.R. 377. *Approved*, O'Sullivan *v.* Noarlunga Meat [1957] A.C. 1; [1956] 3 W.L.R. 438, P.C.

Maclean *v.* Cristall (1849) 7 Notes of Cases, supp. 17, 24–25. *Applied*, Holdowanski *v.* Holdowanska (orse. Bialoszewska) and Price [1957] P. 301; [1956] 3 W.L.R. 936

Macleay, In re (1875) 20 Eq. 186. *Not followed*, Brown, decd., In re, District Bank *v.* Brown [1954] P. 39; [1953] 3 W.L.R. 877

McLellan *v.* McLellan [1954] P. 138; [1953] 3 W.L.R. 1139; [1954] 1 All E.R. 1. *Order followed*, Bradley *v.* Bradley [1956] P. 326; [1956] 2 W.L.R. 654. *Followed and considered*, Meyer *v.* Meyer [1957] 1 W.L.R. 927, D.C.

Maclenan *v.* Segar [1917] 2 K.B. 325; 33 T.L.R. 351. *Test of McCardie J. not applied*, Bell *v.* Travco Hotels [1953] 1 Q.B. 473; [1953] 2 W.L.R. 556, C.A.

McLeod *v.* Earl of Shrewsbury [1922] P. 112; 38 T.L.R. 203. *Followed*, In re R., decd. [1951] P. 10; 66 T.L.R. (Pt. 2) 26; [1950] 2 All E.R. 117

McLeod *v.* St. Aubyn [1899] A.C. 549; 15 T.L.R. 487, P.C. *Distinguished*, Regina *v.* Griffiths, Ex parte The Attorney-General [1957] 2 Q.B. 192; [1957] 2 W.L.R. 1065, D.C.

McLeod (or Houston) *v.* Buchanan [1940] 2 All E.R. 179, H.L. *Applied*, Lovelace *v.* Director of Public Prosecutions [1954] 1 W.L.R. 1468, D.C.

MacLulich *v.* MacLulich [1920] P. 439. *Distinguished*, Warner *v.* Sampson [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109, C.A.

Macmillan *v.* Guest [1942] A.C. 561; [1942] 1 All E.R. 606, H.L. *Considered*, Mitchell and Edon *v.* Ross [1960] Ch. 498; [1960] 2 W.L.R. 766

M'Naghten's Case (1843) 10 Cl. & Fin. 200, H.L. *Referred to*, Regina *v.* Kemp [1957] 1 Q.B. 399; [1956] 3 W.L.R. 724

Maconochie *v.* Maconochie [1916] P. 326; 33 T.L.R. 50. *Distinguished*, Kelly *v.* Kelly and Brown [1960] 3 W.L.R. 822

McPherson *v.* McPherson [1936] A.C. 177; 52 T.L.R. 166, P.C. *Distinguished*, Wiseman *v.* Wiseman [1953] P. 79; [1953] 2 W.L.R. 499, C.A.

M'Queen *v.* M'Cann, 1945 S.C.(J.) 151. *Applied*, Schneider *v.* Dawson [1960] 1 Q.B. 106; [1959] 3 W.L.R. 960, D.C.

Macrae *v.* Macrae [1949] P. 397; 65 T.L.R. 547; [1949] 2 All E.R. 34, C.A. *Applied*, Hopkins *v.* Hopkins [1951] P. 116; 66 T.L.R. (Pt. 2) 896; [1950] 2 All E.R. 1035. *Followed*, Lewis *v.* Lewis [1956] 1 W.L.R. 200

McTaggart *v.* McTaggart [1949] P. 94; 64 T.L.R. 558, [1948] 2 All E.R. 754, C.A. *Explained*, Mole *v.* Mole [1951] P. 21; (1950) 66 T.L.R. (Pt. 2) 129; [1950] 2 All E.R. 328, C.A. *Applied*, Pool *v.* Pool [1951] P. 470; [1951] 2 T.L.R. 662; [1951] 2 All E.R. 563; Henley *v.* Henley (Bligh cited) [1955] P. 202; [1955] 2 W.L.R. 851

Madeleine Vionnet et Cie *v.* Wills [1940] 1 K.B. 72; 56 T.L.R. 15; [1939] 4 All E.R. 136, C.A. *Followed*, In re Russian Commercial and Industrial Bank [1955] Ch. 148; [1955] 1 W.L.R. 62. *Dictum of Clauson J. approved*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Madras Electric Supply Corporation *v.* Boarland [1955] A.C. 667; [1955] 2 W.L.R. 632; [1955] 1 All E.R. 753. *Considered*, Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch. 792; [1958] 2 W.L.R. 815, C.A.

Maher *v.* Maher [1951] P. 342; [1951] 1 T.L.R. 1163; [1951] 2 All E.R. 37. *Considered*, Igra *v.* Igra [1951] P. 404; [1951] 2 T.L.R. 670

Mahmoud and Ispahani, In re [1921] 2 K.B. 716; sub nom. Mahmoud *v.* Ispahani, 37 T.L.R. 489, C.A. *Distinguished*, Strongman (1945) Ld. *v.* Sincock [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360, C.A.

Mainwaring *v.* Beevor (1849) 8 Hare 44. *Distinguished*, In re Bleckley, decd. [1951] Ch. 740; [1951] 1 T.L.R. 902; [1951] 1 All E.R. 1064, C.A. *Considered and distinguished*, In re Manners, decd. Public Trustee *v.* Manners [1955] 1 W.L.R. 1097

Mair, In re, Richards *v.* Doxat [1935] Ch. 562. *Considered*, Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.

Maitland *v.* Raisbeck and Hewitt Ltd. [1944] 1 K.B. 689; 60 T.L.R. 521; [1944] 2 All E.R. 272, C.A. *Applied*, Parish *v.* Judd [1960] 1 W.L.R. 867

Maldonado, In the estate of, decd., State of Spain *v.* Treasury Solicitor [1953] 3 W.L.R. 204; [1953] 2 All E.R. 301. *Affirmed* [1954] P. 223; [1954] 2 W.L.R. 64, C.A.

Malik *v.* National Bank of Czechoslovakia [1946] 2 All E.R. 663. *Considered*, Vitkovice Horni A Hutni Tezirstvo *v.* Korner [1951] A.C. 869; [1951] 2 T.L.R. 188; [1951] 2 All E.R. 334, H.L.

Malone *v.* Laskey [1907] 2 K.B. 141; 23 T.L.R. 399, C.A. *Not followed*, Riden *v.* A. C. Billings & Sons [1956] 3 W.L.R. 704. *Overruled*, sub nom. A. C. Billings & Sons *v.* Riden [1958] A.C. 240; [1957] 3 W.L.R. 497, H.L.

Malvern Urban District Council *v.* Malvern Link Gas Co. (1900) 83 L.T. 326, C.A. *Distinguished*, Adelphi Hotel (Brighton), In re, District Bank *v.* Adelphi Hotel (Brighton) [1953] 1 W.L.R. 955

Manchester Corporation *v.* Bolton Area Assessment Committee & West Loughton Urban District Council (1930) 47 T.L.R. 210, D.C. *Overruled*, Lee (Valuation Officer) *v.* Mid-Northamptonshire Water Board [1956] 2 Q.B. 55; [1956] 2 W.L.R. 1013, C.A.; sub nom. Mid-Northamptonshire Water Board *v.* Lee (Valuation Officer) [1958] A.C. 68; [1957] 2 W.L.R. 881, H.L.

Manchester Corporation *v.* Buttle [1929] 2 Ch. 390; 45 T.L.R. 568. *Considered*, Williams' Will Trusts, In re, Chartered Bank of India, Australia and China *v.* Williams [1953] Ch. 138; [1953] 2 W.L.R. 418

Manchester Corporation *v.* Chorlton Union Assessment Committee (1899) 15 T.L.R. 327, D.C. *Distinguished*, Sheffield Corporation *v.* Tranter (Valuation Officer) [1957] 1 W.L.R. 844, C.A.

Manchester Liners Ltd. *v.* Rea Ltd. [1922] 2 A.C. 74, 90; 38 T.L.R. 526. *Dicta of Lord Sumner considered*, Ashford Shire Council *v.* Dependable Motors Pty. Ltd. [1961] A.C. 336; [1960] 3 W.L.R. 999

Manchester Ship Canal Co. *v.* Director of Public Prosecutions [1930] 1 K.B. 547; 46 T.L.R. 163. *Considered*, Mace *v.* R. & H. Green and Silley Weir and British Steam Navigation Co. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504

Manchester Ship Canal Co. *v.* Manchester Racecourse Co. [1900] 2 Ch. 352, 360–361; 16 T.L.R. 429. *Dictum of Farwell J. considered*, Fawcett Properties Ltd. *v.* Buckingham County Council [1960] 3 W.L.R. 831

Mancini *v.* Director of Public Prosecutions [1942] A.C. 1; 58 T.L.R. 25; [1941] 3 All E.R. 272, H.L. *Applied*, Bedder *v.* Director of Public Prosecutions [1954] 1 W.L.R. 1119, H.L.; R. *v.* McCarthy [1954] 2 Q.B. 105; [1954] 2 W.L.R. 1044, C.C.A. *Referred to*, Chan Kau alias Chan Kai *v.* The Queen [1955] A.C. 206; [1955] 2 W.L.R. 192, P.C.; Joseph Bullard *v.* The Queen [1957] A.C. 635; [1957] 3 W.L.R. 656, P.C.

Mandavia *v.* Commissioner of Income Tax (1956) 23 E.A.C.A. 303. *Order of the Court of Appeal for Eastern Africa reversed* [1959] A.C. 114; [1959] 2 W.L.R. 5, P.C.

Manders *v.* Manders (1890) 7 T.L.R. 149. *Distinguished*, Andrews *v.* Andrews and Sullivan and Sullivan [1958] P. 217; [1958] 2 W.L.R. 942

Mandeville *v.* Mandeville (1888) 3 L.R.(Ir.)Ch.D. 330. *Applied*, In re Bradley, decd., Bradley *v.* Barclays Bank [1956] Ch. 615; [1956] 3 W.L.R. 610

Mangena *v.* Wright [1909] 2 K.B. 958; 25 T.L.R. 534. *Considered*, Grech *v.* Odhams Press, Addis *v.* Same [1958] 1 Q.B. 310; [1957] 3 W.L.R. 942

Manley *v.* Sartori [1927] 1 Ch. 157. *Applied*, Burdett-Coutts *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1027

Manners, decd., In re [1955] 1 W.L.R. 1096; [1955] 3 All E.R. 83. *Distinguished*, In re Ransome, decd. [1957] Ch. 348; [1957] 2 W.L.R. 557

Manners *v.* Pearson [1898] 1 Ch. 581; 14 T.L.R. 412. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Manning *v.* Manning [1958] P. 112; [1958] 2 W.L.R. 318; [1958] 1 All E.R. 291. *Applied*, Mountbatten *v.* Mountbatten [1959] P. 43; [1959] 2 W.L.R. 128

Manning *v.* Manning and Fellows *v.* Fellows [1950] 1 All E.R. 602, C.A. *Distinguished*, Douglas *v.* Douglas [1951] P. 85; 66 T.L.R. (Pt. 2) 531; [1950] 2 All E.R. 748, C.A.

Mansfield Corporation *v.* Butterworth [1898] 2 Q.B. 274; 14 T.L.R. 431, D.C. *Applied*, Southgate Borough Council *v.* Park Estates (Southgate) [1953] 1 W.L.R. 1274; [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337, C.A.

Manwaring *v.* Billington [1952] 2 T.L.R. 689; [1952] 2 All E.R. 747. *Distinguished*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

March *v.* March and Palumbo (1867) L.R. 1 P. & D. 437, 440; *Applied*, Compton *v.* Compton & Hussey [1960] P. 201; [1960] 3 W.L.R. 476

Marczuk *v.* Marczuk [1956] 2 W.L.R. 1; [1955] 3 All E.R. 758, D.C. *Reversed* [1956] P. 217; [1956] 2 W.L.R. 849, C.A.

Margaret, The (1884) 9 P.D. 47, C.A.: *on appeal*, sub nom. Cayzer *v.* Carron Co., (1884) 9 App. Cas. 873, H.L. *Applied*, The Timandra [1956] 1 W.L.R. 691

Margate Corpn. *v.* Roach [1960] 1 W.L.R. 1380. *Applied*, Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

Maritime Electric Co. Ltd. *v.* General Dairies Ltd. [1937] A.C. 610; 53 T.L.R. 391; [1937] 1 All E.R. 748. *Considered*, Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404, 415

Markham *v.* Markham (1947) 63 T.L.R. 91; [1946] 2 All E.R. 737, D.C. *Distinguished*, Dankbars, In re [1954] Ch. 98; [1953] 3 W.L.R. 957, C.A. *Considered*, Bowen *v.* Bowen [1958] 1 W.L.R. 508, D.C.

Marks *v.* Lilley [1959] 1 W.L.R. 749; [1959] 2 All E.R. 647. *Considered*, Hasham *v.* Zenab [1960] A.C. 316; [1960] 2 W.L.R. 374

Marks and Spencer *v.* London County Council and Central Land Board [1952] Ch. 549; [1952] 1 T.L.R. 1276; sub nom. In re 42–48 Paddington Street and 62–72 Chiltern Street, St. Marylebone, Marks and Spencer *v.* London County Council [1952] 1 All E.R. 1150. *Affirmed*, London County Council *v.* Marks and Spencer [1953] A.C. 535; [1953] 2 W.L.R. 932, H.L.

Markwald *v.* Attorney-General [1920] 1 Ch. 348; 36 T.L.R. 197. *Distinguished*, Bulmer *v.* Attorney-General [1955] Ch. 558; [1955] 3 W.L.R. 197

Marlborough (Duke of) *v.* Attorney-General (No. 1) [1945] Ch 78; 61 T.L.R. 159; [1945] 1 All E.R. 165, C.A. *Considered*, Philipson-Stow *v.* Inland Revenue Commissioners [1960] 3 W.L.R. 1008, H.L.

Marles *v.* Philip Trant & Sons, Mackinnon, Third Party [1953] 1 All E.R. 645. *Reversed* [1954] 1 Q.B. 29; [1953] 2 W.L.R. 564, C.A.

Marpessa (The) [1906] P. 14, 95. *Applied*, The Hebridean Coast [1960] 3 W.L.R. 29

Marreco *v.* Richardson [1908] 2 K.B. 584; 24 T.L.R. 624, C.A. *Distinguished*, In re Hone. Ex parte The Trustee *v.* Kensington Borough Council [1951] Ch. 85; 66 T.L.R. (Pt. 2) 350; [1950] 2 All E.R. 716

Marrison *v.* Bell [1939] 2 K.B. 187; 55 T.L.R. 475; [1939] 1 All E.R. 745, C.A. *Considered*, Orman *v.* Saville Sportswear Ltd. [1960] 1 W.L.R. 1055

Marryat, In re [1948] Ch. 298; 64 T.L.R. 125; [1948] 1 All E.R. 796. *Distinguished*, In re Bedford, decd. [1951] Ch. 905; [1951] 2 T.L.R. 216; [1951] 1 All E.R. 1093

Marshal *v.* Crutwell (1875) L.R. 20 Eq. 328. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460; [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

Marshall, In re, Barclays Bank *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 439; [1957] 1 All E.R. 549. *Affirmed* [1957] Ch. 507; [1957] 3 W.L.R. 538, C.A.

Marshall, In re, Marshall *v.* Marshall [1914] 1 Ch. 192. *Followed*, In re Weiner, decd., Wyner *v.* Braithwaite [1956] 1 W.L.R. 580

Marshall *v.* Glanvill [1917] 2 K.B. 87; 33 T.L.R. 301. *Distinguished*, Sellers *v.* London Counties Newspapers [1951] 1 K.B. 784; [1951] 1 All E.R. 544, C.A.

Marshall *v.* Gotham Co. Ltd. [1953] 1 Q.B. 167; [1952] 2 T.L.R. 941; [1952] 2 All E.R. 1044, C.A. *Affirmed* [1954] A.C. 360; [1954] 2 W.L.R. 812; [1954] 1 All E.R. 937, H.L. *Dictum of Lord Reid applied*, Walsh *v.* National Coal Board [1956] 1 Q.B. 511; [1955] 3 W.L.R. 830, C.A. *Considered*, Jackson *v.* National Coal Board [1955] 1 W.L.R. 132; Walter Wilson & Son *v.* Summerfield [1956] 1 W.L.R. 1430, D.C.; Brown *v.* National Coal Board [1961] 1 Q.B. 303; [1960] 3 W.L.R. 892

Marshall *v.* Holloway (1820) 2 Sw. 432, L.C. *Applied*, Masters, decd., In re [1953] 1 W.L.R. 81

Marshall *v.* London Passenger Transport Board [1936] 3 All E.R. 83, C.A. *Distinguished*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028; Graff Brothers Estates *v.* Rimrose Brook Joint Sewerage Board [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419, C.A.

Marshall *v.* Marshall (1909) 25 T.L.R. 716. *Distinguished*, Thynne *v.* Thynne [1955] P. 272; [1955] 3 W.L.R. 108, 466, C.A.

Marshall *v.* Taylor [1895] 1 Ch. 641, C.A. *Distinguished*, Williams Brothers Direct Supply *v.* Raftery [1958] 1 Q.B. 159; [1957] 3 W.L.R. 932, C.A.

Marshall *v.* Ullswater Steam Navigation Co. (1871) L.R. 7 Q.B. 166. *Considered*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Marshall & Co. *v.* Nicoll & Son, 1919 S.C.(H.L.) 129. *Considered*, Thompson (W. L.) *v.* Robinson (Gunmakers) [1955] Ch. 177; [1955] 2 W.L.R. 185

Martell *v.* Akwei (1952) 14 W.A.C.A. 143. *Considered*, Nana Ofori Atta II, Omanhene of Akyem Abuakwa *v.* Nana Abu Bonsra II as Adansehene and as Representing the Stool of Adanse [1958] A.C. 95; [1957] 3 W.L.R. 830, P.C.

Martell *v.* Consett Iron Co. [1954] 3 W.L.R. 648; [1954] 3 All E.R. 339. *Affirmed* [1955] Ch. 363; [1955] 2 W.L.R. 463, C.A.

Martin, In re [1900] P. 211; 16 T.L.R. 354, C.A. *Discussed*, In re Egerton's Will Trusts, Lloyds Bank *v.* Egerton [1956] Ch. 593; [1956] 3 W.L.R. 453

Martin, In re, Midland Bank Executor & Trustee Co. *v.* Marfleet [1955] 2 W.L.R. 1029; [1955] 1 All E.R. 865. *Followed*, In re Midgley, decd., Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119

Martin *v.* Holgate (1866) L.R. 1 H.L. 175, H.L. *Disitnguished*, Mousley *v.* Rigby [1955] Ch. 139; [1954] 3 W.L.R. 891

Martin *v.* Smith (1874) L.R. 9 Exch. 50. *Followed*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

Marvin, In re, Crawter *v.* Marvin [1905] 2 Ch. 490; 21 T.L.R. 765. *Distinguished*, Marsden *v.* Regan [1954] 1 W.L.R. 423, C.A.

Maryon-Wilson's Estate, In re [1912] 1 Ch. 55; 28 T.L.R. 49, C.A. *Considered*, In re Brassey's Settlement, Barclays Bank *v.* Brassey [1955] 1 W.L.R. 192. *Applied*, In re Van Lessen [1955] 1 W.L.R. 1326

Mash *v.* Dailey [1914] 3 K.B. 1226; 30 T.L.R. 585, C.A. *Considered*, Cracknell *v.* Smith [1960] 1 W.L.R. 1239

Mason, In re [1910] 1 Ch. 695, C.A. *Considered*, Henry, In re, Mussett *v.* Henry [1953] 1 W.L.R. 376

Mason *v.* Clarke [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48; [1954] 1 All E.R. 189, C.A. *Reversed* [1955] A.C. 778; [1955] 2 W.L.R. 853, H.L.

Mason *v.* Provident Clothing and Supply Co. [1913] A.C. 724; 29 T.L.R. 727, H.L. *Applied*, M. & S. (A Firm) *v.* Reynolds [1957] 1 W.L.R. 10, C.A.

Mason *v.* Williams and Williams and Thomas Turton & Sons [1955] 1 W.L.R. 549; [1955] 1 All E.R. 808. *Not followed*, Davie *v.* New Merton Board Mills [1957] 2 Q.B. 368; [1957] 2 W.L.R. 747; [1959] A.C. 604; [1959] 2 W.L.R. 331, H.L.

Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271; [1956] 2 All E.R. 722. *Approved*, Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 994, H.L.

Masters, In re [1953] 1 W.L.R. 81; sub nom. In re Masters, Coutts & Co. *v.* Masters [1953] 1 All E.R. 19. *Applied*, In re Worthington, decd Leighton *v.* Macleod [1954] 1 W.L.R. 526

Matfen, The (1913) *The Times*, May 23. *Distinguished*, Albion, The [1953] P. 117; [1953] 3 W.L.R. 807, C.A.

Mather *v.* Tamotharam Pillai (1903) 6 N.L.R. 246, 250. *Approved*, Adamjee *v.* Sadeen [1957] A.C. 94; [1957] 2 W.L.R. 68, P.C.

Matthews *v.* Great Northern Railway Co. (1859) 28 L.J.Ch. 375. *Distinguished*, Godfrey Phillips *v.* The Investment Trust Corporation [1953] Ch. 449; [1953] 1 W.L.R. 41

Matthews (C. & M.) *v.* Marsden Building Society [1951] Ch. 378; [1951] 1 T.L.R. 441. *Affirmed*, [1951] Ch. 758; [1951] 1 T.L.R. 1114; [1951] 1 All E.R. 1053, C.A.

Matuszczyk *v.* National Coal Board, 1953 S.C. 8. *Approved*, National Coal Board *v.* England [1954] A.C. 403; [1954] 2 W.L.R. 400, H.L.

Mauray *v.* Durley Chine (Investments) [1953] 1 W.L.R. 524; [1953] 1 All E.R. 712. *Affirmed on different grounds* [1953] 2 Q.B. 433; [1953] 3 W.L.R. 296, C.A.

Maxwell *v.* British Thomson-Houston Co. (1902) 18 T.L.R 278, C.A. *Applied*, Walsh *v.* Holst & Co. [1958] 1 W.L.R. 800, C.A.

Maxwell *v.* Director of Public Prosecutions [1935] A.C. 309, 320; 50 T.L.R. 499; 24 Cr.App.R. 152, 172. *Dictum of Lord Sankey L.C.* in Reg. *v.* Cokar [1960] 2 Q.B. 167; [1960] 2 W.L.R. 836

May, In re [1912] 2 Ch. 622. *Distinguished*, In re Wills' Will Trusts [1959] Ch. 1; [1958] 3 W.L.R. 101

Mayhew, In re [1901] 1 Ch. 677. *Questioned*, In re Knight, decd., In re Wynn, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Mayo, In re [1943] Ch. 302; 59 T.L.R. 395; [1943] 2 All E.R. 440. *Applied*, In re Steed's Will Trusts [1960] Ch. 407; [1960] 2 W.L.R. 474; Jones *v.* Challenger [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695

Mead *v.* Chelmsford Rural District Council [1953] 1 Q.B. 32; [1952] 2 T.L.R. 700; [1952] 2 All E.R. 723, D.C. *Applied*, Swallow and Pearson *v.* Middlesex County Council [1953] 1 W.L.R. 422. *Referred to*, East Riding County Council *v.* Park Estates (Bridlington) [1957] A.C. 223; [1956] 3 W.L.R. 313, H.L.

Mead *v.* Clarke, Chapman & Co. [1956] 1 W.L.R. 76; [1956] 1 All E.R. 44, C.A.; reversing The Times, June 30, 1955. *Applied*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

Mead *v.* Smith. *See* In re Falkiner

Mechanical and General Inventions Co. and Lehwess *v.* Austin and Austin Motor Co. [1935] A.C. 346, H.L. *Applied*, Loudon *v.* Ryder [1953] 2 Q.B. 202; [1953] 2 W.L.R. 537, C.A. Bocock *v.* Enfield Rolling Mills [1954] 1 W.L.R. 1303, C.A.; Scott *v.* Musial [1959] 2 Q.B. 429; [1959] 3 W.L.R. 437, C.A.

Medcalf *v.* Jones (Samuel) & Co. [1951] 1 T.L.R. 832. *Referred to*, Griffiths *v.* Evans [1953] 1 W.L.R. 1124, C.A.

Medical Battery Co., In re [1894] 1 Ch. 444. *Distinguished*, Adebayo *v.* Official Receiver of Nigeria [1954] 1 W.L.R. 681, P.C.

Medina *v.* Stoughton (1700) 1 Salk. 210; Holt K.B. 208. *Applied*, Andrews *v.* Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 732

Mediterranean and Eastern Export Co. *v.* Fortress Fabrics (Manchester) [1948] 2 All E.R. 186. *Applied*, London Export Corporation *v.* Jubilee Coffee Roasting Co. [1958] 1 W.L.R. 271

Medway Oil and Storage Co. Ltd. *v.* Silica Gel Corporation (1933) Com.Cas. 194, 196. *Dictum of Lord Sumner considered*, Ashford Shire Council *v.* Dependable Motors Pty. Ltd. [1961] A.C. 336: [1960] 3 W.L.R. 999

Mégret, In re [1901] 1 Ch. 507. *Followed*, In re Waite's Settlement Trusts [1958] Ch. 100; [1957] 2 W.L.R. 1025

Melton, In re [1918] 1 Ch. 37, 60; 34 T.L.R. 20, C.A. *Dictum of Scrutton L.J. applied*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Mendip Range Steamship *v.* Radcliffe [1921] 1 A.C. 556; 37 T.L.R. 474, H.L. *Test of Lord Finlay applied*, Albion, The [1953] P. 117; [1953] 2 W.L.R. 807, C.A.

Mercantile Marine Service Association *v.* Toms [1916] 2 K.B. 243, C.A. *Considered*, Campbell *v.* Thompson [1953] 1 Q.B. 445; [1953] 2 W.L.R. 656

Mercer *v.* Graves (1872) L.R. 7 Q.B. 499. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Merchant Prince, The [1892] P. 179; 8 T.L.R. 430, C.A. *Considered*, Southport Corporation *v.* Esso Petroleum Co. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200, C.A.; *distinguished*, sub nom. Esso Petroleum Co. *v.* Southport Corporation [1956] A.C. 218; [1956] 2 W.L.R. 82

Merigan (Doe *d.*) *v.* Daly (1846) 8 Q.B. 934. *Considered*, Short *v.* Short [1960] 1 W.L.R. 833

Merlihan *v.* Pope Ld. [1946] K.B. 166; 61 T.L.R. 508; [1945] 2 All E.R. 449. *Considered*, Morgan *v.* Ashmore, Benson, Pease & Co., and Samuel Fox & Co. [1953] 1 W.L.R. 418. *View of Birkett J. not followed*, Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553, C.A.

Merrett *v.* Schuster [1920] 2 Ch. 240. *Considered*, Baines *v.* Tweddle [1959] Ch. 679; [1959] 3 W.L.R. 291, C.A.

Merryweather *v.* Nixan (1799) 8 T.R. 186. *Distinguished*, Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 632, C.A.

Mersey Docks and Harbour Board *v.* Birkenhead Overseers (1873) L.R. 8 Q.B. 445. *Not followed*, Clayton (Valuation Officer) *v.* British Transport Commission [1955] 1 W.L.R. 504, C.A.

Mersey Docks and Harbour Board *v.* Coggins and Griffiths (Liverpool) [1947] A.C. 1; 62 T.L.R. 533; [1946] 2 All E.R. 345, H.L. *Followed*, O'Reilly *v.* Imperial Chemical Industries [1955] 1 W.L.R. 1155, C.A. *Applied*, Herdman *v.* Walker (Tooting) City Plant Hirers (Third Party) [1956] 1 W.L.R. 209; Trishna (Owners, Master and Crew) *v.* M.S.C. Panther and Ericbank (Owners) [1957] P. 143; [1957] 2 W.L.R. 433

Mersey Docks and Harbour Board *v.* Marpessa (Owners) [1907] A.C. 241; 23 T.L.R. 572, H.L. *Applied*, The Hebridean Coast [1960] 3 W.L.R. 29

Mersey Docks and Harbour Board *v.* Procter [1923] A.C. 253; 39 T.L.R. 275; 67 S.J. 400, H.L. *Considered*, Hawkins *v.* Coulsdon and Purley Urban District Council [1954] 1 Q.B. 319; [1954] 2 W.L.R. 122, C.A.

Mersey Docks and Harbour Board *v.* West Derby Assessment Committee [1932] 1 K.B. 40; 47 T.L.R. 468, C.A. *Considered and explained*, Shell-Mex and B.P. *v.* Clayton [1955] 1 W.L.R. 983, C.A.

Mersey Docks and Harbour Board Trustees *v.* Cameron (1865) 11 H.L.Cas. 443. *Dictum of Lord Westbury L.C. applied*, Nottingham No. 1 Area Hospital Management Committee *v.* Owen [1958] 1 Q.B. 50; [1957] 3 W.L.R. 707, D.C. *Distinguished*, Arbuckle Smith and Co. Ltd. *v.* Greenock Corpn. [1960] A.C. 813; [1960] 2 W.L.R. 435

Mersey Shipping and Transport Co. Ltd. *v.* Rea Ltd. (1925) 21 Ll.L.Rep. 375, 378. *Dictum of Scrutton L.J. doubted*. Midland Silicones Ltd. *v.* Scruttons Ltd. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372

Merttens *v.* Hill [1901] 1 Ch. 842; 17 T.L.R. 289. *Considered*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Messager *v.* British Broadcasting Co. [1929] A.C. 151; 45 T.L.R. 50, H.L.. *Applied*, Loew's Incorporated *v.* Littler [1958] Ch. 650; [1958] 2 W.L.R. 787, C.A.

Messenger, In re (1876) 3 Ch.D. 317. *Overruled*, Barrett *v.* Gough-Thomas [1951] Ch. 242; 66 T.L.R. (Pt. 2) 1059; [1950] 2 All E.R. 1048, C.A.

Metcalf *v.* Wells [1952] 2 T.L.R. 781; [1952] 2 All E.R. 889. *Reversed*, sub nom. Page *v.* Page; Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432, C.A. *Not followed*, Frost *v.* Frost [1953] 1 W.L.R. 52

Metcalfe *v.* Boyce [1927] 1 K.B. 758; 43 T.L.R. 149. *Applied*, Foster *v.* Robinson [1951] 1 K.B. 149; 66 T.L.R. (Pt. 2) 120; [1950] 2 All E.R. 342, C.A.

Metliss *v.* National Bank of Greece and Athens S.A. [1957] 2 Q.B. 33; [1957] 2 W.L.R. 570; [1957] 2 All E.R. 1. *Decision of the Court of Appeal affirmed*, sub nom. National Bank of Greece and Athens S.A. *v.* Metliss [1958] A.C. 509; [1957] 3 W.L.R. 1057, H.L.

Metropolitan Bank, In re (1880) 15 Ch.D. 139, C.A. *Distinguished*, In re A Debtor, No. 472 of 1950, Ex parte Swirsky [1958] 1 W.L.R. 283, C.A.

Metropolitan Borough of Battersea *v.* British Iron and Steel Research Association [1949] 1 K.B. 434; 65 T.L.R. 183, C.A. *Applied*, London Library *v.* Cane [1960] 1 Q.B. 373; [1959] 3 W.L.R. 929, C.A.

Metropolitan Coal Co. *v.* Howard [1946] A.M.C. 1154. *Followed*, The Southern Sword [1951] 2 T.L.R. 1158

Metropolitan Music Hall Co. *v.* Lake (1889) 58 L.J.Ch. 513; 5 T.L.R. 329. *Distinguished,* Regina *v.* Odhams Press [1957] 1 Q.B. 73; [1956] 3 W.L.R. 797, D.C.

Metropolitan Police District Receiver *v.* Croydon Corporation [1956] 1 W.L.R. 1113; [1956] 2 All E.R. 785. *Decision of Slade J. reversed, decision of Lynskey J. affirmed* [1957] 2 Q.B. 154; [1957] 2 W.L.R. 34, C.A. *Not followed,* Monmouthshire County Council *v.* Smith [1956] 1 W.L.R. 1132

Metropolitan Police District Receiver *v.* Tatum [1948] 2 K.B. 68; [1948] 1 All E.R. 612. *Followed,* Receiver for the Metropolitan Police District *v.* Croydon Corporation [1956] 1 W.L.R. 1114. *Not followed,* Monmouthshire County Council *v.* Smith [1956] 1 W.L.R. 1132

Metropolitan Water Board *v.* Chertsey Assessment Committee [1916] 1 A.C. 337; 32 T.L.R. 168, H.L. *Followed,* Metropolitan Water Board *v.* Borough of Hertford [1953] 1 W.L.R. 622, C.A. *Applied,* Clayton (Valuation Officer) *v.* British Transport Commission [1955] 1 W.L.R. 504, C.A.

Metropolitan Water Board *v.* Hertford (Borough of) [1953] 1 W.L.R. 622; [1953] 1 All E.R. 1047, C.A. *Applied,* Clayton (Valuation Officer) *v.* British Transport Commission [1955] 1 W.L.R. 504, C.A.

Metropolitan Water Board *v.* St. Mary Marylebone Assessment Committee [1923] 1 K.B. 86. *Overruled,* Lee (Valuation Officer) *v.* Mid-Northamptonshire Water Board [1956] 2 Q.B. 55; [1956] 2 W.L.R. 1013, C.A.; sub nom. Mid-Northamptonshire Water Board *v.* Lee (Valuation Officer) [1958] A.C. 68; [1957] 2 W.L.R. 881, H.L.

Meux, In re, Gilmour *v.* Gilmour [1958] Ch. 154; [1957] 3 W.L.R. 377; [1957] 2 All E.R. 630. *Considered,* In re Will's Will Trusts [1959] Ch. 1; [1958] 3 W.L.R. 101

Mewburn's Settlement, In re [1924] 2 Ch. 498. *Distinguished,* In re Will's Will Trusts [1959] Ch. 1; [1958] 3 W.L.R. 101

Mexborough (Earl) *v.* Whitwood Urban District Council [1897] 2 Q.B. 111; 13 T.L.R. 443, C.A. *Applied,* Mascherpa *v.* Direct Ltd. [1960] 1 W.L.R. 447

Meyer *v.* Leanse [1958] 2 Q.B. 371; [1958] 3 W.L.R. 518; [1958] 3 All E.R. 213. *Considered,* Perry *v.* Stopher [1959] 1 W.L.R. 415, C.A.

Meyer *v.* Scottish Textile & Manufacturing Co., 1957 S.C. 110. *Decision of the First Division of the Court of Session affirmed,* sub nom. Scottish Co-operative Wholesale Society *v.* Meyer [1959] A.C. 324; [1958] 3 W.L.R. 404, H.L.

Mezger *v.* Mezger [1937] P. 19; 53 T.L.R. 18; [1936] 3 All E.R. 130. *Applied,* Wood *v.* Wood [1956] 3 W.L.R. 888, D.C.; [1957] P. 254; [1957] 2 W.L.R. 827, C.A. *Applied,* Arnold *v.* Arnold [1957] P. 237; [1957] 2 W.L.R. 367

Middleton *v.* Baldock (T. W.); Same *v.* G. B. Baldock [1950] 1 K.B. 657; 66 T.L.R. (Pt. 1) 650; 94 S.J. 302; [1950] 1 All E.R. 708; 155 E.G. 202; 1 C.L.C. 8897, C.A. *Referred to,* R. *v.* Twickenham Rent Tribunal, ex parte Dunn [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517, D.C.

Middleton *v.* Humphries (1913) 47 Ir.L.T. 160. *Applied,* McCombe *v.* Read [1955] 2 Q.B. 429; [1955] 1 W.L.R. 635

Midgley, In re. Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119; [1955] 2 All E.R. 625. *Considered,* In re Berrey's Will Trusts. Greening *v.* Waters [1959] 1 W.L.R. 30

Midgley Estates *v.* Hand [1952] 2 Q.B. 432; [1952] 1 T.L.R. 1452; [1952] 1 All E.R. 1394, C.A. *Distinguished,* Peter Long & Partners *v.* Burns [1956] 1 W.L.R. 414. *Applied,* Ackroyd & Sons *v.* Hasan [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810

Midland Silicones Ltd. *v.* Scruttons Ltd. [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761; [1959] 2 All E.R. 289. *Decision of Diplock J. affirmed* [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372

Mid-Northamptonshire Water Board *v.* Lee (Valuation Officer) [1956] 2 Q.B. 55; [1956] 2 W.L.R. 1012; [1956] 2 All E.R. 59. *Affirmed* [1958] A.C. 68; [1957] 2 W.L.R. 881, H.L.

Mighell *v.* Sultan of Johore [1894] 1 Q.B. 149; 10 T.L.R. 115, C.A. *Followed,* Kahan *v.* Pakistan Federation [1951] 2 K.B. 1003; [1951] 2 T.L.R. 697, C.A.

Migneault *v.* Malo (1872) L.R. 4 P.C. 123, P.C. *Applied,* Dansereau *v.* Berget [1954] A.C. 1; [1953] 3 W.L.R. 676, P.C

Milburn & Co. *v.* Jamaica Fruit Importing and Trading Co. of London [1900] 2 Q.B. 540; 16 T.L.R. 515. *Considered,* Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 597

Miles *v.* Chilton (orse. Miles) (1849) 1 Rob.Ecc. 684. *Distinguished,* Bullock *v.* Bullock [1960] 1 W.L.R. 975

Millar (Andrew) & Co. *v.* Taylor & Co. [1916] 1 K.B. 402; 32 T.L.R. 161, C.A. *Considered,* Atlantic Maritime Co. Inc. *v.* Gibbon [1954] 1 Q.B. 105; [1953] 3 W.L.R. 714, C.A.

Miller, In re [1914] 1 Ch. 511. *Applied,* Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Miller *v.* Battersea Borough Council [1955] 3 W.L.R. 559; [1955] 3 All E.R. 279, D.C. *Followed,* Turner & Son *v.* Owen [1956] 1 Q.B. 48; [1955] 3 W.L.R. 700, D.C.

Miller *v.* Boothman (William) & Sons [1944] K.B. 337; 60 T.L.R. 218; [1944] 1 All E.R. 333, C.A. *Followed,* Dickson *v.* Flack [1953] 1 W.L.R. 196, C.A. *Applied and approved,* Frost *v.* John Summers & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794, C.A.; sub nom. John Summers & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L. *Distinguished,* Stringer *v.* Automatic Woodturning Co. [1955] 1 W.L.R. 972; *applied* [1956] 1 W.L.R. 139, C.A.; *approved,* sub nom. Automatic Woodturning Co. *v.* Stringer [1957] A.C. 544; [1957] 2 W.L.R. 203, H.L.

Miller *v.* Canon Hill Estates [1931] 2 K.B. 113. *Applied,* Jennings *v.* Tavener [1955] 1 W.L.R. 932

Miller (or Mackintosh) *v.* Gerrard [1947] A.C. 461; 63 T.L.R. 265. *Considered*, Brooke, In re, Jubber *v.* Brooke [1953] 1 W.L.R. 439

Miller (formerly Kozubowski) *v.* Kozubowski. Hekner (cited as Hepner), Denester (cited as Dennister) and Niekrasz cited [1956] 1 W.L.R. 93; [1956] 1 All E.R. 177n. *Applied*, Schlesinger *v.* Schlesinger [1959] 1 W.L.R. 92, C.A.

Miller *v.* Pill [1933] 2 K.B. 308; 49 T.L.R. 437, D.C. *Applied*, Browning *v.* Watson (J. W. H.) (Rochester) [1953] 1 W.L.R. 1172, D.C. *Criticised but applied*, Wurazal *v.* Dowker [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196, D.C.

Millie, The [1940] P. 1; 55 T.L.R. 972. *Followed but doubted*, The Stonedale (No. 1) [1953] 1 W.L.R. 1241. *Approved*, Stonedale No. 1 (Owners) *v.* Manchester Ship Canal Co., The Stonedale No. 1 [1954] P. 338; [1954] 2 W.L.R. 1075, C.A.; [1955] 3 W.L.R. 204, H.L.

Mills *v.* Allen [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356; [1953] 2 All E.R. 534, C.A. *Considered*, Haymills Houses *v.* Blake [1955] 1 W.L.R. 237, C.A. *Applied*, Payne *v.* Cooper [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741, C.A.

Mills *v.* Goff (1845) 14 M. & W. 72. *Applied*, Chez Auguste Ltd. *v.* Cottat [1951] 1 K.B. 292; 66 T.L.R. (Pt. 2) 873

Mills *v.* Mills [1940] P. 124; 56 T.L.R. 561; [1940] 2 All E.R. 254, C.A. *Applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130

Millward *v.* Littlewood (1850) 5 Exch. 775. *Applied*, Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265, C.A.

Milne *v.* Commissioner of Police for City of London [1940] A.C. 1; 55 T.L.R. 898; [1939] 3 All E.R. 399, H.L. *Applied*, Baxter *v.* Keldon [1955] 1 W.L.R. 84, D.C.

Milne's Case. *See* Trustees Executors & Agency Co. *v.* Federal Commissioner of Taxation

Mineral Water Bottle Exchange and Trade Protection Society *v.* Booth (1887) 36 Ch.D. 465. *Applied*, Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1957] 1 W.L.R. 1013. *Referred to*, Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1959] Ch. 108; [1958] 2 W.L.R. 858

Minet *v.* Johnson (1890) 6 T.L.R. 417, C.A. *Applied*, Leicester Permanent Building Society *v.* Shearley [1951] Ch. 50; 66 T.L.R. 316; [1950] 2 All E.R. 738

Minet *v.* Matthews [1950] 1 K.B. 148; sub nom. Ministry of Agriculture and Fisheries *v.* Matthews, 65 T.L.R. 655; [1949] 2 All E.R. 724. *Followed*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

Minister of Agriculture and Fisheries *v.* Matthews [1950] 1 K.B. 148; 65 T.L.R. 655. *Considered*, Marcroft Wagons Ltd. *v.* Smith [1951] 2 K.B. 496; [1951] 2 All E.R. 271, C.A.

Minister of Food *v.* Reardon Smith Line [1951] 2 T.L.R. 1158. *Distinguished*, Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 970, C.A.

Minister of Health *v.* Bellotti [1944] K.B. 298; 60 T.L.R. 228; [1944] 1 All E.R. 238, C.A. *Applied*, Tool Metal Manufacturing Co. *v.* Tungsten Electric Co. [1954] 1 W.L.R. 862, C.A.

Minister of Health *v.* General Committee of Royal Midland Counties Home for Incurables [1954] 1 W.L.R. 79; [1954] 1 All E.R. 14. *Reversed* [1954] Ch. 530; [1954] 2 W.L.R. 755, C.A.

Minister of Pensions *v.* Chennell [1947] K.B. 250; 63 T.L.R. 753; [1946] 2 All E.R. 719. *Considered*, Howgate *v.* Bagnall [1951] 1 K.B. 265; 66 T.L.R. (Pt. 2) 997; [1950] 2 All E.R. 1104. *Applied*, Regina *v.* Smith [1959] 2 Q.B. 25; [1959] 2 W.L.R. 623

Minister of State for the Army *v.* Dalziel (1944) 68 C.L.R. 261. *Considered*, Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148, 156

Minns *v.* Moore [1950] 1 K.B. 241; 65 T.L.R. 739; [1949] 2 All E.R. 800, C.A. *Considered*, Lower *v.* Porter [1956] 1 Q.B. 325; [1956] 2 W.L.R. 216, C.A.

Mint *v.* Good [1951] 1 K.B. 517; [1950] 2 All E.R. 1159. *Explained and distinguished*, Sleafer *v.* Lambeth Borough Council [1960] 1 Q.B. 43; [1959] 3 W.L.R. 485, C.A.

Minto *v.* Cahill [1940] I.R. 302. *Not approved*, Dean *v.* Wiesengrund [1955] 2 Q.B. 120; [1955] 2 W.L.R. 1171, C.A.

Mitchell *v.* Croydon JJ. (1914) 111 L.T. 632; 30 T.L.R. 526, D.C. *Dicta of Avory J. applied*, Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 647

Mitchell *v.* Gard (1863) 3 Sw. & Tr. 75. *Considered*, In re Cutliffe's Estate. Le Duc *v.* Veness [1959] P. 6; [1958] 2 W.L.R. 707, C.A.

Mitchell *v.* North British Rubber Co., 1945 S.C.(J.) 69. *Approved*, John Summers & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L.

Mitchell *v.* Wright (1905) 7 F. 568. *Applied*, Watson *v.* Nikolaisen [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187, D.C.

Mitford *v.* Mitford and Von Kuhlmann [1923] P. 130; 39 T.L.R. 350. *Considered*, Corbett *v.* Corbett [1957] 1 W.L.R. 487

Mittelmann *v.* Denman [1920] 1 K.B. 519; 36 T.L.R. 141. *Explained*, Regina *v.* Deputy Chairman of the County of London Quarter Sessions Appeals Committee, Ex parte Borg [1958] 1 Q.B. 43; [1957] 3 W.L.R. 586, D.C.

Moggridge *v.* Thackwell (1803) 7 Ves. 36. *Applied*, In re Bennett, decd. Sucker *v.* Attorney-General [1959] Ch. 18; [1959] 3 W.L.R. 427

Mole *v.* Mole [1951] P. 21; 66 T.L.R. (Pt. 2) 129; [1950] 2 All E.R. 328, C.A. *Applied*, Pool *v.* Pool [1951] P. 470; [1951] 2 T.L.R. 662; [1951] 2 All E.R. 563; Henley *v.* Henley (Bligh cited) [1955] P. 202; [1955] 2 W.L.R. 851

Moliere Steamship Co. *v.* Naylor, Benzon & Co. (1897) 13 T.L.R. 187. *Distinguished*, Alma Shipping Co., S.A. *v.* V.M. Salgaoncar E. Irmaos Ltda [1954] 2 Q.B. 94; [1954] 1 W.L.R. 650

Mongoldai Tea Co. *v.* Ellerman Lines (1920) 2 Ll.L.Rep. 639. *Dictum of Greer J. applied*, G. H. Renton & Co. *v.* Palmyra Trading Corporation of Panama [1956] 1 Q.B. 462; [1956] 2 W.L.R. 233, C.A.; [1957] A.C. 149; [1957] 2 W.L.R. 45, H.L.

Monk, In re, Giffen *v.* Wedd [1927] 2 Ch. 197; 43 T.L.R. 256, C.A. *Applied*, In re Cottam [1955] 1 W.L.R. 1300

Monk *v.* Redwing Aircraft Co. [1942] 1 K.B. 182; 58 T.L.R. 94; [1942] 1 All E.R. 133, C.A. *Applied*, Phipps Orthodox Unit Trusts [1958] 1 Q.B. 314; [1957] 3 W.L.R. 857, C.A.

Monkland *v.* Jack Barclay Ltd., 66 T.L.R. (Pt. 2) 150; [1950] 2 All E.R. 715. *Reversed* [1951] 2 K.B. 252; [1951] 1 T.L.R. 763; [1951] 1 All E.R. 714, C.A.

Monmouthshire County Council *v.* British Transport Commission [1957] 1 W.L.R. 456; [1957] 1 All E.R. 662. *Decision of Lord Goddard C.J. affirmed* [1957] 1 W.L.R. 1146, C.A.

Montague Burton *v.* Inland Revenue Commissioners (1936) 105 L.J.K.B. 236, H.L. *Followed*, A. & J. Mucklow *v.* Inland Revenue Commissioners [1954] Ch. 615; [1954] 3 W.L.R. 129

Montefiore *v.* Guedalla [1903] 2 Ch. 723; 19 T.L.R. 390, C.A. *Considered*, In re Power's Settlement Trusts [1951] Ch. 689; [1951] 1 T.L.R. 820; [1951] 1 All E.R. 932

Montgomery *v.* Foy, Morgan & Co. [1895] 2 Q.B. 321; 11 T.L.R. 512, C.A. *Distinguished*, The Result [1958] P. 174; [1958] 2 W.L.R. 725

Montreal (City) *v.* Montreal Street Railway [1912] A.C. 333; 28 T.L.R. 220, P.C. *Referred to*, Att.-Gen. for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418

Montreal Light, Heat and Power Consolidated *v.* City of Westmount [1926] S.C.R.(Can.) 515. *Approved and applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Montreal Park and Island Railway Co. *v.* Chatheauguay and Northern Railway Co. (1904) 35 S.C.R. 48. *Applied*, Winnipeg (City of) *v.* Canadian Pacific Railway Co. [1953] A.C. 618; [1953] 3 W.L.R. 438, P.C.

Moody *v.* Cox & Hatt [1917] 2 Ch. 71, C.A. *Observations of Scrutton L.J. applied*, Goody *v.* Baring [1956] 1 W.L.R. 449

Moon, In re (1948) 64 T.L.R. 123; [1948] 1 All E.R. 300. *Considered*, In re Tacon, Public Trustee *v.* Tacon [1958] Ch. 447; [1958] 2 W.L.R. 67, C.A.

Moon *v.* London County Council [1931] A.C. 151, 166; 47 T.L.R. 154. *Dictum of Lord Dunedin applied*, Harry Ferguson Research Ltd. *v.* Dawkins [1960] 1 W.L.R. 639

Moon's Will Trusts, In re, Foale *v.* Gillians [1948] W.N. 55; 64 T.L.R. 123; [1948] 1 All E.R. 300. *Followed*, In re Wright, Blizard *v.* Lockhart [1954] 2 W.L.R. 481. *Approved*, [1954] Ch. 347; [1954] 2 W.L.R. 972

Mooney *v.* Mooney [1953] 1 Q.B. 38; [1952] 2 T.L.R. 711; [1952] 2 All E.R. 812. *Distinguished and Explained*, Krohlak *v.* Krohlak [1958] 2 Q.B. 32; [1958] 2 W.L.R. 131, D.C.

Moor Line Ltd. *v.* Distillers Co. Ltd., 1912 S.C. 514. *Considered*, Union of India *v.* Compagnia Naviera Aeolus S.A. [1960] 1 W.L.R. 297

Moore *v.* Darton (1851) 4 De G. & S. 517. *Applied*, Birch *v.* Treasury Solicitor [1951] Ch. 298; [1951] 1 T.L.R. 225; [1950] 2 All E.R. 1198, C.A.

Moore *v.* Evans [1918] A.C. 185; 34 T.L.R. 51, H.L. *Applied*, Webster *v.* General Accident Fire and Life Assurance Corporation [1953] 1 Q.B. 520; [1953] 2 W.L.R. 491

Moore *v.* Hewitt [1947] K.B. 831; [1947] 2 All E.R. 270; 63 T.L.R. 476, D.C. *Distinguished*, Cracknell *v.* Smith [1960] 1 W.L.R. 1239

Moore *v.* King (1842) 3 Curt. 243. *Applied*, In re Estate of Davies. Russell *v.* Delaney [1951] 1 All E.R. 920

Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342; [1956] 1 All E.R. 182, C.A. *Distinguished*, Walsh *v.* Holst & Co. [1958] 1 W.L.R. 800, C.A.

Moore *v.* Ullcoats Mining Co. [1908] 1 Ch. 575; 24 T.L.R. 54. *Applied*, Warner *v.* Sampson and Another [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109, C.A.

Moorhouse *v.* Dooland [1955] Ch. 284; [1955] 2 W.L.R. 96; [1955] 1 All E.R. 93. *Applied*, Wright *v.* Boyce (Inspector of Taxes) [1958] 1 W.L.R. 593, 832, C.A.

Mordaunt Bros. *v.* British Oil and Cake Mills [1910] 2 K.B. 502. *Applied*, D. F. Mount *v.* Jay & Jay (Provisions) Co. [1960] 1 Q.B. 159; [1959] 3 W.L.R. 537

Morecambe and Heysham Corpn. *v.* Warwick (1958) 56 L.G.R. 283; 9 P. & C.R. 307. *Considered*, Stylo Shoes Ltd. *v.* Prices Tailors Ltd. [1960] Ch. 396; [1960] 2 W.L.R. 8, 14

Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672; [1955] 1 All E.R. 708, C.A. *Applied*, Attorney-General *v.* Parsons [1955] Ch. 664; [1955] 3 W.L.R. 29, C.A.; *considered* [1956] A.C. 421; [1956] 2 W.L.R. 153, H.L.

Morelle *v.* Waterworth [1955] 1 Q.B. 1; [1954] 3 W.L.R. 257; [1954] 2 All E.R. 673, C.A. *Applied*, Attorney-General *v.* Parsons [1955] Ch. 664; [1955] 3 W.L.R. 29; *disapproved*, [1956] A.C. 421; [1956] 2 W.L.R. 153, H.L. *Referred to*, Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 674, C.A.

Morelli *v.* Fitch & Gibbons [1928] 2 K.B. 636; 44 T.L.R. 737, D.C. *Applied*, Godley *v.* Perry [1960] 1 W.L.R. 9

Morgan, In re [1893] 3 Ch. 222. *Distinguished*, In re Levy, decd. [1960] Ch. 346; [1960] 2 W.L.R. 278

Morgan *v.* Ashmore, Benson, Pease & Co. [1953] 1 W.L.R. 418; [1953] 1 All E.R. 328. *Applied*, Harvey *v.* R. G. O'Dell. Galway (Third Party) [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473

Morgan *v.* Carmarthen Corporation [1957] 2 W.L.R. 396; [1957] 1 All E.R. 437. *Reversed* [1957] Ch. 455; [1957] 2 W.L.R. 870, C.A.

Morgan *v.* Harrison (W.) [1907] 2 Ch. 137, C.A. *Considered*, Wheeler *v.* Mercer [1957] A.C. 416; [1956] 3 W.L.R. 841, H.L.

Morgan *v.* Hart [1914] 2 K.B. 183; 30 T.L.R. 286, C.A. *Dicta explained*, Winstone *v.* Winstone [1960] P. 28; [1959] 3 W.L.R. 660

Morgan *v.* Morgan [1949] W.N. 250, C.A. *Observations of Denning L.J. not followed*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 246

Morgan *v.* Tate & Lyle [1953] Ch. 601; [1953] 3 W.L.R. 1; [1953] 2 All E.R. 162, C.A. *Applied*, Boarland (Inspector of Taxes) *v.* Kramat Pulai [1953] 1 W.L.R. 1332. *Affirmed* [1955] A.C. 21; [1954] 3 W.L.R. 85, H.L.

Morgan (Inspector of Taxes) *v.* Tate & Lyle [1953] 1 W.L.R. 145. *Affirmed* [1953] Ch. 601; [1953] 3 W.L.R. 1, C.A.

Morgan's Will Trusts, In re, Lewarne *v.* Ministry of Health [1950] Ch. 637; 66 T.L.R. (Pt. 1) 1037; [1950] 1 All E.R. 1097. *Applied*, In re Frere decd. Kidd *v.* Farnham Group Hospital Management Committee [1951] Ch. 27; 66 T.L.R. (Pt. 2) 345. *Followed*, In re Hunter. Lloyds Bank *v.* Girton College, Cambridge (Mistress and Governors) [1951] Ch. 190; [1951] 1 All E.R. 58; In re Meyers [1951] Ch. 534; [1951] 1 T.L.R. 435; [1951] 1 All E.R. 538; Little, decd., In re. Barclays Bank *v.* Bournemouth and East Dorset Hospital Management Committee [1953] 1 W.L.R. 1132

Morgan & Son *v.* Martin Johnson & Co. [1949] 1 K.B. 107; 64 T.L.R. 381; [1948] 2 All E.R. 196, C.A. *Applied*, Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755, C.A.

Morice *v.* Bishop of Durham (1805) 10 Ves. 522; affirming (1804) 9 Ves. 399. *Considered*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Morris *v.* Baguley [1937] Brewing Trade Review L.R. 73. *Applied*, Smith *v.* Wyles [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528

Morris *v.* Harris [1927] A.C. 252, H.L. *Applied*, In re Lewis & Smart [1954] 1 W.L.R. 755

Morris *v.* Levison (1876) 1 C.P.D. 155. *Applied*, Louis Dreyfus & Cie. *v.* Parnaso Cia. Naviera S.A. [1960] 1 Q.B. 49; [1960] 2 W.L.R. 637

Morris *v.* Sands, unreported, July 15th, 1955. *Considered*, Philips *v.* Ward [1956] 1 W.L.R. 471, C.A.

Morris *v.* West Hartlepool Steam Navigation Co. [1954] 2 Lloyd's Rep. 507, C.A. *Reversed* [1956] A.C. 552; [1956] 1 W.L.R. 177, H.L. *Applied*, Cavanagh *v.* Ulster Weaving Co. [1960] A.C. 145; [1959] 3 W.L.R. 262, H.L.

Morris (Herbert) *v.* Saxelby [1916] 1 A.C. 688; 32 T.L.R. 297, H.L. *Applied*, M. & S. (A Firm) *v.* Reynolds [1957] 1 W.L.R. 10, C.A. Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1957] 1 W.L.R. 1013. *Referred to*, Kores Manufacturing Co. *v.* Kolok Manufacturing Co. [1959] Ch. 108; [1958] 2 W.L.R. 858, C.A.

Morris Ltd. *v.* Perrott and Bolton [1945] W.N. 148; [1945] 1 All E.R. 567, C.A. *Applied*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Morris Motors Ltd. *v.* Lilley [1959] 1 W.L.R. 1184; [1959] 3 All E.R. 737. *Considered*, Morris Motors Ltd. *v.* Phelan (Practice Note) [1960] 1 W.L.R. 352, 353

Morrison Steamship Co. Ltd. *v.* Greystoke Castle (Cargo Owners) [1947] A.C. 265; 63 T.L.R. 11; [1946] 2 All E.R. 696, H.L. *Applied*, The Liverpool (No. 2) [1960] 2 W.L.R. 541

Morrow *v.* M'Conville (1883) 11 L.R.Ir. 252. *Considered*, In re Angus' Will Trusts [1960] 1 W.L.R. 1296

Morton *v.* Morton (1942) 111 L.J.P. 33, D.C. *Approved*, Tulip *v.* Tulip [1951] P. 378; [1951] 1 T.L.R. 1056; [1951] 2 All E.R. 91, C.A.

Morton *v.* Morton (No. 1) 58 T.L.R. 158; [1942] 1 All E.R. 273. *Considered*, Morton *v.* Morton (No. 2) [1954] 1 W.L.R. 737, C.A.; Jones *v.* Jones [1959] P. 38; [1958] 3 W.L.R. 635, D.C.

Morton *v.* Wm. Dixon & Co., 1909 S.C. 807. *Referred to*, Maxine Footwear Co. *v.* Canadian Government Merchant Marine [1959] A.C. 589; [1959] 3 W.L.R. 232, P.C. *Dictum of Lord President Dunedin considered*, Brown *v.* Rolls Royce Ltd. [1960] 1 W.L.R. 210, 213

Moseley Green Coal & Coke Co., In re, Barrett's Case (1865) 5 New Rep. 496, L.C. *Distinguished*, In re A Debtor (No. 66 of 1955) [1956] 1 W.L.R. 481

Mosely *v.* Cressey's Co. (1865) L.R. 1 Eq. 405. *Distinguished*, In re Nanwa Gold Mines, Ballantyne *v.* Nanwa Gold Mines [1955] 1 W.L.R. 1080

Moser *v.* Marsden [1892] 1 Ch. 487; 9 T.L.R. 584, C.A. *Distinguished*, Dollfus Mieg et Compagnie S.A. *v.* Bank of England [1951] Ch. 33; 66 T.L.R. (Pt. 2) 559; [1950] 2 All E.R. 605

Moses, In re [1908] 2 Ch. 235. *Applied*, Philipson-Stow *v.* Inland Revenue Commrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Moses *v.* Macferlan (1706) 2 Burr. 1005. *Considered*, Kiriri Cotton Co. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127

Mosey *v.* Mosey [1956] P. 26; [1955] 2 W.L.R. 1118; [1955] 2 All E.R. 391. *Applied*, Sugden *v.* Sugden [1956] 3 W.L.R. 1010

Moss, In re [1905] 2 K.B. 307, D.C. *Applied*, The Liverpool (No. 2) [1960] 2 W.L.R. 541

Moss *v.* Barton (1866) L.R. 1 Eq. 474. *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R. 862

Moss *v.* Moss (1912) 15 C.L.R. 538. *Considered*, Lang *v.* Lang [1955] A.C. 402; [1954] 3 W.L.R. 762, P.C.

Moss *v.* Moss [1916] P. 155; 32 T.L.R. 468. *Applied*, Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 802, C.A.

Moss *v.* Moss [1956] P. 373; [1956] 2 W.L.R. 469; [1956] 1 All E.R. 291. *Applied*, Taylor (formerly Kraupl) *v.* National Assistance Board [1957] P. 101; [1957] 2 W.L.R. 190

Motion *v.* Michaud (1892) 8 T.L.R. 253, 447. *Distinguished*, Martin-Baker Aircraft Co. *v.* Canadian Flight Equipment, Same *v.* Murison [1955] 2 Q.B. 556; [1955] 3 W.L.R. 213

Moul *v.* Thomas Tilling Ltd. (1918) 88 L.J.K.B. 505; 34 T.L.R. 473. *Considered*, Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745, 747

Moule *v.* Garrett (1872) L.R. 7 Exch. 101, Ex Ch. *Principle stated by Cockburn C.J. applied*, Receiver for the Metropolitan Police District *v.* Croydon Corporation [1956] 1 W.L.R. 1113

Mounsey *v.* Ismay (1865) 3 H. & C. 486. *Observations of Martin B. considered*, In re Ellenborough Park [1956] Ch. 131; [1955] 3 W.L.R. 893, C.A.

Mount Albert Borough Council *v.* Australasian Temperance and General Mutual Life Assurance Society [1938] A.C. 224; 54 T.L.R. 5; [1937] 4 All E.R. 206, P.C. *Applied*, The Assunzione [1954] P. 150; [1954] 2 W.L.R. 234, C.A.

Mountain (Alexander) & Co. *v.* Rumere [1948] 2 K.B. 436; 64 T.L.R. 493; [1948] 2 All E.R. 144, 483, C.A. *Distinguished*, In re Nos. 55 & 57 Holmes Road, Kentish Town, Beardmore Motors *v.* Birch Bros. (Properties) [1959] Ch. 298; [1958] 2 W.L.R. 975

Mountford *v.* Hodkinson [1956] 1 W.L.R. 422; [1956] 2 All E.R. 17. *Applied*, Frankland *v.* Capstick [1959] 1 W.L.R. 204, C.A.

Mountney *v.* Watton (1931) 2 B. & Ad. 673, 678. *Applied*, "Truth" (N.Z.) Ltd. *v.* Holloway [1960] 1 W.L.R. 997

Mousell Brothers Ld. *v.* London & North Western Ry. Co. [1917] 2 K.B. 836, D.C. *Applied*, James & Son *v.* Smee. Green *v.* Burnett [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631, D.C.

Moynes *v.* Cooper [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562; [1956] 1 All E.R. 450. *Distinguished*, Russell *v.* Smith [1958] 1 Q.B. 27; [1957] 3 W.L.R. 516, D.C.

Mucklow (A. and J.) *v.* Inland Revenue Commissioners [1954] Ch. 615; [1954] 3 W.L.R. 129; [1954] 2 All E.R. 508, C.A. *Considered*, Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 673, C.A.

Muir or Williams *v.* Muir. *See* Williams *v.* Muir.

Muir's Executors *v.* Craig's Trustees, 1913 S.C. 349, 355. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C.

Muirhead, In re [1916] 2 Ch. 181. *Applied*, In re Winder's Will Trust [1951] Ch. 916; [1951] 2 T.L.R. 93; [1951] 2 All E.R. 362

Mulholland & Tedd *v.* Baker [1939] 3 All E.R. 253. *Applied*, Balfour *v.* Barty-King. Hyder and Sons (Builders) Third Parties [1956] 1 W.L.R. 779

Mullard Radio Valve Co. Ltd. *v.* Rothermel Corpn. Ltd. (1933) 51 R.P.C. 1. *Considered*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

Muller *v.* Trafford [1901] 1 Ch. 54. *Followed*, Weg Motors Ltd. *v.* Hales [1960] 3 W.L.R. 964

Mulliner *v.* Midland Railway Co. (1879) 11 Ch.D. 611. *Dicta disapproved*, British Transport Commission *v.* Westmorland County Council; Same *v.* Worcestershire County Council [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

Mulready *v.* J. H. W. Bell [1952] 2 All E.R. 663. *Affirmed* [1953] 2 Q.B. 117; [1953] 3 W.L.R. 100; [1953] 2 All E.R. 215, C.A. *Applied*, Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271, D.C.

Mummery *v.* Mummery [1942] P. 107; 58 T.L.R. 203; [1942] 1 All E.R. 553. *Applied*, Whitney *v.* Whitney [1951] P. 250; [1951] 1 T.L.R. 493; [1951] 1 All E.R. 301. *Distinguished*, Viney *v.* Viney [1951] P. 457; [1951] 2 T.L.R. 705; [1951] 2 All E.R. 204, D.C.

Munday *v.* Asprey (1880) 13 Ch.D. 855, 857. *Dictum of Fry J. not followed*, Parker *v.* Clark [1960] 1 W.L.R. 286

Municipal and General Securities Co. *v.* Lloyds Bank [1950] Ch. 212; 65 T.L.R. 744, sub nom. In re Municipal and General Securities Co.'s Trust, Municipal and General Securities Co. *v.* Lloyds Bank [1949] 2 All E.R. 937. *Applied*, In re Forster's Settlement [1954] 1 W.L.R. 1451

Munro *v.* Daw [1948] 1 K.B. 125; 63 T.L.R. 542; [1947] 2 All E.R. 360, C.A. *Applied*, Duncan *v.* Hay [1956] 1 W.L.R. 1330, C.A.

Munster, In re [1920] 1 Ch. 268; 36 T.L.R. 173 *Applied*, F. & K. Jabbour *v.* Custodian of Israeli Absentee Property [1954] 1 W.L.R. 139. *Considered*, Bank voor Handel en Scheepvaart N.V. *v.* Administrator of Hungarian Property [1954] A.C. 584; [1954] 2 W.L.R. 867, H.L.

Murfett *v.* Smith (1887) 12 P.D. 116. *Distinguished*, Taylor *v.* John Summers & Sons [1957] 1 W.L.R. 1182, C.A.

Murphey *v.* Australian Machinery and Investement Co. (1948) 30 T.C. 244, C.A. *Applied*, Pyrah (Inspector of Taxes) *v.* Annis & Co. [1957] 1 W.L.R. 191

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Nchirahene Kojo Ado *v.* Buoyemhene Kwadwo Wusu (1938) 4 W.A.C.A. 96. *Applied*, Stool of Abinabina *v.* Chief Kojo Enyimadu [1953] A.C. 207; [1953] 2 W.L.R. 261, P.C.

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Newman (R. S.) Ltd., In re Raphael's Claim [1916] 2 Ch. 309. *Considered*, Cook *v.* " X " Chair Patents Co. Ltd. [1960] 1 W.L.R. 60, 62

Newton *v.* Newton (1885) 11 P.D. 11. *Applied*, Scott *v.* Scott [1951] P. 193; 66 T.L.R. (Pt. 2) 1077; [1950] 2 All E.R. 1154, C.A.

Newton *v.* Sherry (1876) 1 C.P.D. 246. *Followed*, In re Aldhous, Noble *v.* Treasury Solicitor [1955] 1 W.L.R. 460

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Nichols and Von Joel's Contract, *In re* [1910] 1 Ch. 43, C.A. *Dictum of Lord Cozens-Hardy M.R. applied*, Wilson *v.* Thomas [1958] 1 W.L.R. 422

Nicholson, In re (1883) 53 L.J.Ch. 302. *Approved*, Barratt *v.* Gough-Thomas [1951] Ch. 242; 66 T.L.R. (Pt. 2) 1059; [1950] 2 All E.R. 1048, C.A.

Nicolene *v.* Simmonds [1952] 2 Lloyd's Rep. 419. *Affirmed* [1953] 1 Q.B. 543; [1953] 2 W.L.R. 717; [1953] 1 All E.R. 822, C.A. *Considered*, Heisler *v.* Anglo-Dal [1954] 1 W.L.R. 1273, C.A.

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Ning Yi-Ching, In re (1939) 56 T.L.R. 3. *Considered*, Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 767, C.A.

Nisbet Shipping Co. *v.* The Queen [1953] 1 S.C.R. 480. *Reversed* [1955] 2 Q.B. 506; [1955] 1 W.L.R. 1032

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Njegos, The [1936] P. 90; 52 T.L.R. 216. *Referred to*, The Metamorphosis [1953] 1 W.L.R. 543. *Considered*, The Assunzione [1953] 1 W.L.R. 929

Noble (B. W.) Ltd. *v.* Inland Revenue Comrs. (1926) 12 T.C. 911. *Considered*, Barclays Bank Ltd. *v.* Inland Revenue Comrs. [1960] 3 W.L.R. 280

Nokes *v.* Doncaster Amalgamated Collieries [1940] A.C. 1014; 56 T.L.R. 988; [1940] 3 All E.R. 549, H.L. *Applied*, In the Estate of Skinner, decd. [1958] 1 W.L.R. 1043. *Considered*, Adams *v.* National Bank of Greece, S.A. [1960] 1 Q.B. 64; [1960] 3 W.L.R. 8

Nokes *v.* Nokes [1957] 2 W.L.R. 493; [1957] 1 All E.R. 490. *Decision of Barnard J. reversed* [1957] P. 213; [1957] 3 W.L.R. 90, C.A.

Nolan *v.* C. & C. Marshall Ltd. [1954] 2 Q.B. 42, 44–45; [1953] 3 W.L.R. 257; [1953] 2 All E.R. 389; [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285; [1954] 1 All E.R. 328, C.A. *Dictum of McNair J. approved*, Bloomfield *v.* British Transport Commission [1960] 1 Q.B. 86; [1960] 2 W.L.R. 693

Nolder *v.* Walters (1930) 46 T.L.R. 397. *Followed*, Lomax (Inspector of Taxes) *v.* Newton [1953] 1 W.L.R. 1123. *Considered and distinguished*, Sanderson *v.* Durbidge [1955] 1 W.L.R. 1088

Nonentities Society *v.* Lenley and Kidderminster Borough Council (1954) 47 R. & I.T. 426. *Considered*, O'Sullivan (Valuation Officer) *v.* English Folk Dance and Song Society [1955] 1 W.L.R. 908, C.A.

Nono Hami *v.* De Silva (1891) 9 S.C.C. 198. *Applied*, Adamjee *v.* Sadeen [1957] A.C. 94; [1957] 2 W.L.R. 68, P.C.

Noor Mohamed *v.* The King [1949] A.C. 182; 65 T.L.R. 134; [1949] 1 All E.R. 365. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C. *Applied*, Corke *v.* Corke and Cook [1958] P. 93; [1958] 2 W.L.R. 110, C.A.

Norbury, In re, Norbury *v.* Fahland [1939] Ch. 528; 55 T.L.R. 589; [1939] 2 All E.R. 625. *Followed*, In re Cunliffe-Owen, decd. [1951] Ch. 964; [1951] 1 T.L.R. 1073; [1951] 2 All E.R. 220. *Applied*, Goetze, In re. National Provincial Bank *v.* Mond [1953] Ch. 96; [1953] 2 W.L.R. 26

Nordeutcher Lloyd *v.* President Insurance Co. of America (1901) 110 Fed. 420. *Considered*, Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 87, 103

Nordisk Insulinlaboratorium *v.* Gorgate Products [1952] 2 T.L.R. 964; [1952] 2 All E.R. 1040. *Reversed* [1953] Ch. 430; [1953] 2 W.L.R. 879, C.A.

Norfolk (Duke), In re [1950] Ch. 467; 66 T.L.R. (Pt. 1) 695; [1950] 2 All E.R. 851. *Distinguished*, In re Austin Motor Co. Ltd.'s Policies [1951] Ch. 1081; [1951] 2 T.L.R. 235; [1951] 2 All E.R. 425, C.A.; In re Weigall's Will Trusts [1956] Ch. 424; [1956] 3 W.L.R. 12. *Considered*, Public Trustee *v.* I. R. C. [1960] A.C. 398; [1960] 2 W.L.R. 203, 224. *Followed*, In re Tapp. Gonville and Caius College, Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 2 W.L.R. 541, C.A.

Noronha *v.* Devji (1951) 18 E.A.C.A. 54. *Reversed* [1954] A.C. 49; [1953] 3 W.L.R. 972, P.C.

Norris *v.* Beazley (1877) 2 C.P.D. 80. *Distinguished*, Dollfus Mieg et Compagnie S.A. *v.* Bank of England [1951] Ch. 33; (1950) 66 T.L.R. (Pt. 2) 559; [1950] 2 All E.R. 605. *Applied*, Atid Navigation Co. *v.* Fairplay Towage and Shipping Co. [1955] 1 W.L.R. 336

Norris *v.* Edmonton Corporation [1957] 2 Q.B. 564; [1957] 3 W.L.R. 388; [1957] 2 All E.R. 801, D.C. *Not followed*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886. *Approved*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630, C.A.

North *v.* Loomes [1919] 1 Ch. 378. *Distinguished*, Burgess *v.* Cox [1951] Ch. 383; [1951] 1 T.L.R. 531; [1950] 2 All E.R. 1212

North Australian Territory Co., In re (1890) 45 Ch.D. 87; 6 T.L.R. 348, C.A. *Distinguished*, In re A Debtor, No. 472 of 1950. Ex parte Swirsky [1958] 1 W.L.R. 283

North Australian Territory Co. *v.* Goldsborough, Mort & Co. [1893] 2 Ch. 381, C.A. *Distinguished*, Burnell *v.* British Transport Commission [1956] 1 Q.B. 187; [1956] 2 W.L.R. 61, C.A.

North Central Wagon and Finance Co. *v.* Fifield [1952] T.R. 393. *Affirmed* [1953] 1 W.L.R. 610 C.A.

North Devon and West Somerset Relief Fund, In re, Hylton *v.* Wright [1953] 1 W.L.R. 1260, [1953] 2 All E.R. 1032. *Distinguished*, In re Hillier's Trusts, Hillier *v.* Attorney-General [1954] 1 W.L.R. 9. *Followed*, In re British School of Egyptian Archaeology, Murray *v.* Public Trustee [1954] 1 W.L.R. 546

North Eastern Gas Board *v.* Leeds Corporation [1952] 2 T.L.R. 536; [1952] 2 All E.R. 326. *Referred to*, East Midlands Gas Board *v.* Doncaster Corporation [1953] 1 W.L.R. 54

North General Wagon and Finance Co. Ltd. *v.* Graham [1950] 2 K.B. 7; 66 T.L.R. (Pt. 1) 707; [1950] 1 All E.R. 780, C.A. *Applied*, Alexander *v.* Railway Executive [1951] 2 K.B. 882; [1951] 2 T.L.R. 69; [1951] 2 All E.R. 442

North London Ry. Co. *v.* Great Northern Ry. Co. (1883) 11 Q.B.D. 30, C.A. *Distinguished*, Government of Gibraltar *v.* Kenney [1956] 2 Q.B. 410; [1956] 3 W.L.R. 467

North of England Zoological Society *v.* Chester Rural District Council [1958] 1 W.L.R. 1258; [1958] 3 All E.R. 535. *Decision of Vaisey J. affirmed*, In re North of England Zoological Society [1959] 1 W.L.R. 773, C.A.

North River Freighters *v.* H.E. The President of India [1956] 1 Q.B. 333; [1956] 2 W.L.R. 117; [1956] 1 All E.R. 50, C.A. *Applied*, Roland-Linie Schiffahrt G.m.b.H. *v.* Spillers [1957] 1 Q.B. 109; [1956] 3 W.L.R. 621

North Settled Estates, In re, Public Trustee *v.* Graham [1946] Ch. 13. *Applied*, Thomson Settlement Trusts, In re, Robertson *v.* Makepeace [1953] Ch. 414; [1953] 2 W.L.R. 978

North Staffordshire Railway Co. *v.* Edge [1920] A.C. 254; 36 T.L.R. 115, H.L. *Considered*, Ewa Perkowski *v.* Wellington Corporation [1959] A.C. 53; [1958] 3 W.L.R. 564, P.C.

Northampton Corporation *v.* Ellen [1904] 1 K.B. 299; 20 T.L.R. 168, C.A. *Applied*, In re Baker, Ex parte Eastbourne Waterworks Co. [1954] 1 W.L.R. 1144. *Distinguished*, Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990, C.A.

Northchurch Estates Ltd. *v.* Daniels [1947] Ch. 117; 62 T.L.R. 669; [1946] 2 All E.R. 524. *Considered*, In re Strand and Savoy Properties Ltd. [1960] Ch. 582; [1960] 3 W.L.R. 1

Northern Counties of England Fire Insurance Co., In re. MacFarlane's Claim (1880) 17 Ch.D. 337. *Applied*, In re Trepca Mines Ltd. [1960] 1 W.L.R. 1273

Northumberland (Duke), In re, Halifax *v.* Northumberland [1951] Ch. 202; 66 T.L.R. (Pt. 2) 1045; [1950] 2 All E.R. 1181. *Not followed*, Sutherland Settlement Trusts, In re [1953] Ch. 792; [1953] 2 W.L.R. 1163. *Followed*, Brougham and Vaux (Lord), In re [1954] Ch. 24; [1953] 3 W.L.R. 465 *Distinguished*, In re Wynn, Public Trustee *v.* Newborough [1955] 1 W.L.R. 940; In re Boston's Will Trusts, Inglis *v.* Boston [1956] Ch. 395; [1956] 2 W.L.R. 700

Northumberland (Duke of) *v.* Attorney-General [1905] A.C. 406; 21 T.L.R. 639, H.L.; affirming sub nom. Attorney-General *v.* Northumberland (Duke of) [1904] 1 K.B. 762, C.A. *Applied*, Philipson-Stow *v.* Inland Revenue Commissioners [1959] Ch. 395; [1959] 2 W.L.R. 427

Northumberland & Durham District Banking Co., In re (1858) 2 De. G. & J. 357, C.J.J. *Distinguished*, In re B. Karsberg [1956] 1 W.L.R. 58, C.A.

Northumbria, The (1869) L.R. 3 Ad. & Ecc. 6. *Applied*, The Norseman [1957] P. 224; [1957] 3 W.L.R. 264

Northumbria, The [1906] P. 262. *Applied*, Minister of Food *v.* Reardon Smith Line Ltd. [1951] 2 T.L.R. 1158

Nothard *v.* Pepper (1864) 17 C.B.N.S. 39. *Referred to*, Thrasyvoulos Ioannou *v.* Papa Christoforos Demetriou [1952] A.C. 84; [1951] 2 T.L.R. 1177, P.C.

Novello & Co. Ltd. *v.* Hinrichsen Edition Ltd. [1951] Ch. 595; [1951] 1 All E.R. 779. *Affirmed* [1951] Ch. 1026; [1951] 2 T.L.R. 645; [1951] 2 All E.R. 457, C.A.

Nugent *v.* Vetzera (1866) L.R. 2 Eq. 704. *Considered and explained*, McKee *v.* McKee [1951] A.C. 352; [1951] 1 T.L.R. 755; [1951] 1 All E.R. 942, P.C.

Nyali *v.* Attorney-General [1957] A.C. 253; [1956] 3 W.L.R. 341; [1956] 2 All E.R. 689, H.L.; affirming [1956] 1 Q.B. 1; [1955] 2 W.L.R. 640; [1955] 1 All E.R. 646, C.A. *Affirmed*, [1957] A.C. 253; [1956] 3 W.L.R. 341. *Considered*, Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 767, C.A

O. C. S. (A Debtor), In re [1904] 2 K.B. 161. *Considered*, In re A Debtor, No. 21 of 1950 [1951] Ch. 313; [1951] 1 T.L.R. 174; [1950] 2 All E.R. 1129

Oak Property Co. *v.* Chapman [1947] K.B. 886; 63 T.L.R. 338; [1947] 2 All E.R. 1, C.A. *Distinguished*, Zbytniewski *v.* Broughton [1956] 2 Q.B. 673; [1956] 3 W.L.R. 630, C.A.

Oakes *v.* Commissioner of Stamp Duties of New South Wales (1952) 85 C.L.R. 386. *Affirmed* [1954] A.C. 57; [1953] 3 W.L.R. 1127, P.C.

Oakes *v.* Commissioner of Stamp Duties of New South Wales [1954] A.C. 57; [1953] 3 W.L.R. 1127; [1953] 2 All E.R. 1563, P.C. *Considered*, Chick *v.* Commissioner of Stamp Duties [1958] A.C. 435; [1958] 3 W.L.R. 93, P.C.

Oakes' Settlement, In re [1951] Ch. 156; 66 T.L.R. (Pt. 2) 831; sub nom. Re Oakes [1950] 2 All E.R. 851. *Applied*, In re Hodge's Policy. Hodge *v.* Inland Revenue Commissioners [1957] Ch. 339; [1957] 3 W.L.R. 959, C.A.

O'Brien *v.* Condon [1905] 1 I.R. 51. *Followed*, In re Young, decd. [1951] Ch. 344; [1951] 1 T.L.R. 262; [1950] 2 All E.R. 1245

O'Brien *v.* Granford (Owners) [1951] 1 Lloyd's Rep. 414, C.A. *Applied*, Walter Wilson & Son *v.* Summerfield [1956] 1 W.L.R. 1430, D.C.

Oceanic Steam Navigation Co. Ltd. *v.* Evans (1934) 51 T.L.R. 67. *Considered*, Blane Steamships Ltd. *v.* Minister of Transport [1951] 2 K.B. 965; [1951] 2 T.L.R. 763, C.A.

O'Connell *v.* The Queen (1844) 11 Cl. & F. 155, H.L. *Considered*, In re Hastings [1958] 1 W.L.R. 372, D.C.

O'Connor *v.* Commissioners of Succession Duties (South Australia) (1937) 47 C.L.R. 601. *Approved*, Commissioner of Stamp Duties of New South Wales *v.* Permanent Trustee Co. of New South Wales [1956] A.C. 512; [1956] 3 W.L.R. 153

O'Connor *v.* Isaacs [1956] 2 W.L.R. 585; [1956] 1 All E.R. 513. *Decision of Diplock J. affirmed* [1956] 2 Q.B. 288; [1956] 3 W.L.R. 173, C.A.

O'Connor *v.* Waldron [1935] A.C. 76; 51 T.L.R. 125. *Considered*, Addis *v.* Crocker [1960] 1 Q.B. 87; [1959] 3 W.L.R. 527

O'Connor's Estate, In re [1931] I.R. 98. *Considered and followed*, Fry *v.* Inland Revenue Commissioners [1958] 2 W.L.R. 673

O'Donovan *v.* O'Donovan [1955] 1 W.L.R. 1086; [1955] 3 All E.R. 278n. *Considered*, Bernstein *v.* Bernstein [1960] Ch. 128; [1959] 3 W.L.R. 481

O'Driscoll *v.* Manchester Insurance Committee [1915] 3 K B. 499; 31 T.L.R. 532, C.A. *Applied*, Dawson *v.* Preston [1955] 1 W.L.R. 1220, D.C.; In re Collbran, decd. [1956] Ch. 250; [1956] 2 W.L.R. 338; Dunlop & Ranken *v.* Hendall Steel Structures, Pitchers (Garnishees) [1957] 1 W.L.R. 1103, D.C.

Ofner, In re, Samuel *v.* Ofner [1909] 1 Ch. 60, C.A. *Applied*, Nesbitt, decd., In re, Dr. Barnardo's Homes *v.* United Newcastle-upon-Tyne Hospitals [1953] 1 W.L.R. 595

Ogden, In re (1909) 25 T.L.R. 382. *Doubted*, In re Town and Country Planning Act, 1947. Crystal Palace Trustees *v.* Minister of Town and Country Planning [1951] Ch. 132; 66 T.L.R. (Pt. 2) 753; [1950] 2 All E.R. 857

Ogden, In re, Brydon *v.* Samuel [1933] Ch. 678; 49 T.L.R. 341. *Applied*, Gestetner Settlement, In re, Barnett *v.* Blumka [1953] Ch. 672; [1953] 2 W.L.R. 1033; Inland Revenue Commissioners *v.* Broadway Cottages Trust [1954] 1 W.L.R. 659. In re Harpur's Will Trusts [1961] Ch. 38; [1960] 3 W.L.R. 607. *Approved* [1955] Ch. 20; [1954] 3 W.L.R. 438

Ogilvie *v.* West Australian Mortgage and Agency Corporation [1896] A.C. 257; 12 T.L.R. 281, P.C. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C.

Old Gate Estates *v.* Alexander [1950] 1 K.B. 311; 65 T.L.R. 719; [1949] 2 All E.R. 822, C.A. *Referred to*, R. *v.* Twickenham Rent Tribunal. Ex parte Dunn [1953] 2 Q.B. 425; [1953] 3 W.L.R. 517, D.C. *Considered*, Thompson *v.* Earthy [1951] 2 K.B. 596; [1951] 2 T.L.R. 82; [1951] 2 All E.R. 235

Oldham, In re [1925] Ch. 75. *Distinguished*, In re Green, decd. Lindner *v.* Green [1951] Ch. 148; 66 T.L.R. (Pt. 2) 819; [1950] 2 All E.R. 913

Oldroyd *v.* Oldroyd [1896] P. 175; 12 T.L.R. 442. *Considered*, Dyson *v.* Dyson [1954] P. 198; [1953] 3 W.L.R. 1141

Oliver *v.* Goodger [1944] 2 All E.R. 481, D.C. *Doubted*, Challand *v.* Bartlett [1953] 1 W.L.R. 1105, D.C.

Olley *v.* Marlborough Court [1949] 1 K.B. 532; 65 T.L.R. 95; [1949] 1 All E.R. 127, C.A. *Applied*, Curtis *v.* Chemical Cleaning and Dyeing Co. [1951] 1 K.B. 805; [1951] 1 T.L.R. 452; [1951] 1 All E.R. 631, C.A.

Olmstead *v.* United States (1928) 277 U.S. 438. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C.

O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104. *Approved*, Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148, 153

Onions *v.* Tyrer (1716) 1 P. Wms. 343. *Distinguished*, In re Murray, decd. [1956] 1 W.L.R. 606

Onslow *v.* Michell (1812) 18 Ves. 490. *Applied*, Livesey, In re, Livesey *v.* Livesey [1953] 1 W.L.R. 1114

Oppenheim *v.* Tobacco Securities Trust Co. [1951] A.C. 297; [1951] 1 T.L.R. 118; [1951] 1 All E.R. 31, H.L. *Considered*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 3 W.L.R. 135, C.A.; sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L. *Distinguished*, In re Koettgen's Will Trusts [1954] 1 Ch. 252; [1954] 2 W.L.R. 166. *Referred to*, Baker *v.* National Trust [1955] A.C. 627; [1955] 3 W.L.R. 42; Vernon *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 1170. *Observations of Lord Simonds considered*, Derbyshire Miners' Welfare Committee *v.* Skegness U. D. C. [1957] 1 W.L.R. 765, D.C. *Distinguished* [1958] 1 Q.B. 298; [1957] 3 W.L.R. 1049, C.A. *Dictum of Viscount Simonds applied*, Waterson *v.* Hendon Borough Council [1959] 1 W.L.R. 985. *Applied*, Davies *v.* Perpetual Trustee Co. [1959] A.C. 439; [1959] 2 W.L.R. 673, P.C.

Oppenheimer *v.* Fraser and Wyatt [1907] 2 K.B. 50; 23 T.L.R 410, C.A. *Considered*, Pearson *v.* Rose and Young Ltd. [1951] 1 K.B. 275; 66 T.L.R. (Pt. 2) 886; [1950] 2 All E.R. 1027, C.A.

Oppenshaw *v.* Whitehead (1854) 9 Ex. 384. *Considered*, Boguslawski *v.* Gdynia Ameryka Linie (No. 2) [1951] 2 K.B. 328; [1951] 2 All E.R. 113, C.A.

Oram *v.* Hutt [1914] 1 Ch. 98; 30 T.L.R. 55, C.A. *Applied*, Baker *v.* Jones [1954] 1 W.L.R. 1005. *Distinguished*, Martell *v.* Consett Iron Co. [1955] Ch. 363; [1955] 2 W.L.R. 463, C.A.

Orchard *v.* Bush & Co. [1898] 2 Q.B. 284; 14 T.L.R. 425, D.C. *Applied*, Williams *v.* Linnitt [1951] 1 K.B. 565; [1951] 1 T.L.R. 94; [1951] 1 All E.R. 278, C.A.

Orchard Street Schools (Trustees), Re [1878] W.N. 211. *Considered*, In re Hanbey's Will Trusts. Cutler's Company *v.* President and Governors of Christ's Hospital, London [1956] Ch. 264; [1956] 2 W.L.R. 23
Ord *v.* Ord [1923] 2 K.B. 432; 39 T.L.R. 437, D.C. *Dicta of Lush J. applied*, Bell *v.* Holmes [1956] 1 W.L.R. 1360
O'Reilly *v.* Imperial Chemical Industries [1955] 1 W.L.R. 839; [1955] 2 All E.R. 567. *Reversed* [1955] 1 W.L.R. 1155, C.A.
Orient, The (1869) 3 Mar.L.C. 321. *Not followed*, The American Jurist and The Claycarrier [1958] 1 W.L.R. 792
Oriental Commercial Bank, In re (1871) 7 Ch.App. 99. *Applied*, The Liverpool (No. 2) [1960] 3 W.L.R. 597; [1960] 2 W.L.R. 541
Orlandini, Ex parte, S.A.L.R. 1931 O. & D. 141. *Applied*, Abeywardene *v.* West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C.
Orman Bros. *v.* Greenbaum [1955] 1 W.L.R. 248; [1955] 1 All E.R. 610; affirming [1954] 1 W.L.R. 1520; [1954] 3 All E.R. 731. *Distinguished*, Brown *v.* Jamieson [1959] 1 Q.B. 338; [1959] 2 W.L.R. 156, C.A. *Observations of Devlin J. explained*, Brown *v.* Jamieson [1959] 1 Q.B. 338; [1959] 2 W.L.R. 156, C.A.
Ormond Investment Co. *v.* Betts [1928] A.C. 143, H.L. *Applied*, Camille and Henry Dreyfus Foundation Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167, C.A. *Considered*, Kirkness (Inspector of Taxes) *v.* John Hudson & Co. [1955] A.C. 696; [1955] 2 W.L.R. 1135, H.L.
Ormrod *v.* Crosville Motor Services, Murphie, Third Party [1953] 1 W.L.R. 409; [1953] 1 All E.R. 711. *Affirmed* [1953] 1 W.L.R. 1120, C.A.
Oropesa, The [1943] P. 32; 59 T.L.R. 103; *sub nom.* Lord *v.* Pacific Steam Navigation Co., The Oropesa [1943] 1 All E.R. 211, C.A.; affirming [1942] P. 140. *Applied*, The Guildford [1956] P. 364; [1956] 3 W.L.R. 475; [1956] 2 All E.R. 915. *Dictum of Lord Wright applied*, Regina *v.* Smith [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623
O'Rourke *v.* Darbishire [1920] A.C. 581; 36 T.L.R. 350, H.L. *Distinguished and explained*, Auten *v.* Baker Todman & Co. [1958] 1 W.L.R. 1300, C.A.
O'Rourke Estate, In re (1889) 23 L.R.Ir. 497. *Applied*, Taylor *v.* Ellis [1960] Ch. 368; [1960] 2 W.L.R. 509
Orton's Trust, In re (1866) L.R. 3 Eq. 375. *Not followed*, Mousley *v.* Rigby [1955] Ch. 139; [1954] 3 W.L.R. 891
Osborne *v.* Barton (1951) 66 T.L.R. (Pt. 1) 115. *Considered*, Reg. *v.* Dawson [1960] 1 W.L.R. 163, 175
Osgood *v.* Nelson (1872) L.R. 5 H.L. 636, H.L. *Considered*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223
O'Shea, In re. Ex parte Lancaster [1911] 2 K.B. 981. *Considered*, MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240, C.A.
O'Shea's Settlement, In re [1895] 1 Ch. 325, C.A. *Considered*, In re J. W. Love [1951] Ch. 952; [1951] 2 T.L.R. 183; [1951] 2 All E.R. 321
Ostime (Inspector of Taxes) *v.* Australian Mutual Provident Society [1958] 3 W.L.R. 354; [1958] 2 All E.R. 665; affirming [1958] Ch. 774; [1958] 2 W.L.R. 636; [1958] 1 All E.R. 305. *Decision of Upjohn J. affirmed* [1959] Ch. 427; [1958] 3 W.L.R. 354. *Decision of Court of Appeal affirmed* [1960] A.C. 459; [1959] 3 W.L.R. 410
O'Sullivan *v.* English Folk Song and Dance Society [1955] 1 W.L.R. 907; [1955] 2 All E.R. 845. *Considered*, Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 3 W.L.R. 978
Oughtred *v.* Inland Revenue Commissioners [1958] 1 Ch. 383; [1958] 2 W.L.R. 174; [1958] 1 All E.R. 252. *Decision of Upjohn J. reversed* [1958] Ch. 678; [1958] 3 W.L.R. 64, C.A. *Decision of the Court of Appeal affirmed* [1960] A.C. 206; [1959] 3 W.L.R. 898, H.L.
Ovey, In re, Broadbent *v.* Barrow (1885) 29 Ch.D. 560; 1 T.L.R. 401. *Distinguished*, Hutchinson's Will Trusts, In re, Gibbons *v.* Nottingham Area No. 1 Hospital Management Committee [1953] Ch. 387; [1953] 2 W.L.R. 872
Owen *v.* Gooch (1797) 2 Esp. 567. *Discussed*, Herson *v.* Bennett [1955] 1 Q.B. 98; [1954] 3 W.L.R. 737
Oxford (Bishop) *v.* Henly [1907] P. 88; 23 T.L.R. 152. *Considered*, In re Lapford (Devon) Parish Church [1954] P. 416; [1954] 3 W.L.R. 748, C.A.
Oxford Group *v.* Inland Revenue Commissioners [1949] W.N. 343; [1949] 2 All E.R. 537, C.A. *Distinguished*, In re Town and Country Planning Act, 1947. Crystal Palace Trustees *v.* Minister of Town and Country Planning [1951] Ch. 132; 66 T.L.R. (Pt. 2) 753; [1950] 2 All E.R. 857. *Distinguished*, Abbey Malvern Wells Ltd. *v.* Ministry of Local Government and Planning [1951] Ch. 728; [1951] 1 T.L.R. 1050; [1951] 2 All E.R. 154. *Followed*, Associated Artists Ltd. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 753. *Applied*, In re Harpur's Will Trusts [1961] Ch. 38; [1960] 3 W.L.R. 607
Oxted Motor Co. Ltd., In re [1921] 3 K.B. 32; 37 T.L.R. 757. *Distinguished*, In re Pearce Duff & Co. Ltd. [1960] 1 W.L.R. 1014

Packer *v.* Packer [1954] P. 15; [1953] 3 W.L.R. 33; [1953] 2 All E.R. 127. *Referred to and approved*, Galloway *v.* Galloway [1954] P. 312; [1954] 2 W.L.R. 980; [1955] 3 W.L.R. 723, C.A.
Padstow Total Loss and Collision Assurance Association, In re (1882) 20 Ch.D. 137, C.A. *Applied*, Vandyk *v.* Minister of Pensions and National Insurance [1955] 1 Q.B. 29; [1954] 3 W.L.R. 342, H.L.

Page *v.* Moore (1850) 15 Q.B. 684. *Dictum of Lord Campbell C.J. applied*, Bathavon Rural District Council *v.* Carlile [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545, C.A.

Page *v.* Page, Metcalf *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432; [1953] 1 All E.R. 626, C.A. *Distinguished*, Rolph *v.* Marston Valley Brick Co. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929

Paget *v.* Inland Revenue Commissioners [1938] 2 K.B. 25; 54 T.L.R. 404; [1938] 1 All E.R. 392, C.A. *Applied*, Thomson (Inspector of Taxes) *v.* Moyse [1958] 1 W.L.R. 1063

Paice *v.* Archbishop of Canterbury (1807) 14 Ves. 364. *Applied*, In re Bennett, decd. Sucker *v.* Attorney-General [1959] Ch. 18; [1959] 3 W.L.R. 427

Paine, In re (1912) 28 T.L.R. 201. *Referred to*, Griffiths *v.* Evans [1953] 1 W.L.R. 1424, C.A.

Paine *v.* Colne Valley Electricity Supply Co., 55 T.L.R. 181; [1938] 4 All E.R. 803. *Dictum of Goddard L.J. applied*, Davie *v.* New Merton Board Mills [1957] 2 Q.B. 368; [1957] 2 W.L.R. 747

Paine & Co. *v.* Daniells & Sons' Breweries, In re, Paine & Co.'s Trade Marks [1893] 2 Ch. 567; 9 T.L.R. 457, C.A. *Applied*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Paisner *v.* Goodrich [1955] 2 Q.B. 353; [1955] 2 W.L.R. 1871; [1955] 2 All E.R. 330, C.A. *Decision of the Court of Appeal reversed*, sub nom. Goodrich *v.* Paisner [1957] A.C. 65; [1956] 2 W.L.R. 1053, H.L.

Palermo, The (1883) 9 P.D. 6. *Applied*, Watson *v.* Cammell Laird & Co. (Shipbuilders and Engineers) [1959] 1 W.L.R. 702, C.A.

Paley (Princess Olga) *v.* Weisz [1929] 1 K.B. 718; 45 T.L.R. 365, C.A. *Applied*, In re Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 185

Palmer, In re (1890) 45 Ch.D. 291; 6 T.L.R. 377, C.A. *Applied*, Rutter *v.* Sheridan-Young [1958] 1 W.L.R. 444, C.A.

Palmer, In re [1916] 2 Ch. 391, C.A. *Applied*, In re Weigall's Will Trusts [1956] Ch. 424; [1956] 3 W.L.R. 12

Palmer *v.* Snow [1900] 1 Q.B. 725; 16 T.L.R. 168, D.C. *Considered*, Gregory *v.* Fearn [1953] 1 W.L.R. 974, C.A.

Palser *v.* Grinling, Property Holding Co. *v.* Mischeff [1948] A.C. 291; 64 T.L.R. 2; [1948] 1 All E.R. 1. *Applied*, Granada Theatres *v.* Freehold Investments (Leytonstone) [1958] 1 W.L.R. 845

Paludina, The [1927] A.C. 16, H.L. *Applied*, The Guildford [1956] P. 364; [1956] 3 W.L.R. 475

Paolantonio *v.* Paolantonio (1950) 66 T.L.R. (Pt. 2) 235; [1950] 2 All E.R. 404, C.A. *Distinguished*, Spalenkova *v.* Spalenkova [1954] P. 141; [1953] 3 W.L.R. 681

Parana, The (1877) 2 P.D. 118. *Distinguished*, S.S. Ardennes (Cargo Owners) *v.* S.S. Ardennes (Owners) [1951] 1 K.B. 55; 66 T.L.R. (Pt. 2) 312; [1950] 2 All E.R. 517

Parashuram Detaram Shamdasani *v.* King-Emperor [1945] A.C. 264; 61 T.L.R. 448, P.C. *Referred to*, Izuora *v.* R. [1953] A.C. 327; [1953] 2 W.L.R. 700, P.C.

Pardy *v.* Pardy [1939] P. 288; 55 T.L.R. 1037; [1939] 3 All E.R. 779. *Distinguished*, Bosley *v.* Bosley [1958] 1 W.L.R. 645; Hall *v.* Hall [1960] 1 W.L.R. 52. *Applied*, Lilley *v.* Lilley [1959] 3 W.L.R. 306, C.A.

Pargeter *v.* Pargeter [1946] 1 All E.R. 570. *Considered*, Short *v.* Short [1960] 1 W.L.R. 833

Paris *v.* Stepney Borough Council [1950] 1 K.B. 320; 65 T.L.R. 723; [1949] 2 All E.R. 843, C.A.; reversed [1951] A.C. 367; [1951] 1 T.L.R. 25; [1951] 1 All E.R. 42, H.L. *Observations of Lord Normand applied*, Drummond *v.* British Building Cleaners [1954] 1 W.L.R. 501. *Test laid down by Lord Normand, applied*, Morris *v.* West Hartlepool Steam Navigation Co. [1956] A.C. 552; [1956] 1 W.L.R. 177. *Applied*, Cavanagh *v.* Ulster Weaving Co. [1960] A.C. 145; [1959] 3 W.L.R. 262, H.L.; Brown *v.* Rolls Royce Ltd. [1960] 1 W.L.R. 210

Park, In re, Public Trustee *v.* Armstrong [1932] 1 Ch. 580. *Considered*, Gestetner Settlement, In re, Barnett *v.* Blumka [1953] Ch. 672; [1953] 2 W.L.R. 1033

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Park, Ward & Co., In re [1926] Ch. 828. *Applied*, In re T. W. Construction [1954] 1 W.L.R. 540

Park Estate (Bridlington) *v.* East Riding County Council [1955] 2 Q.B. 623; [1955] 2 W.L.R. 1021; [1955] 2 All E.R. 269, C.A. *Affirmed*, East Riding County Council *v.* Park Estate (Bridlington) [1957] A.C. 223; [1956] 3 W.L.R. 313, H.L.

Parke Davis, Ex parte. *See* Regina *v.* Comptroller-General of Patents and Designs.

Parker, Ex parte. *See* Regina *v.* Metropolitan Police Commissioner.

Parker *v.* Lord Advocate, 1958 S.C. 426. *Decision of the Second Division of the Court of Session affirmed* [1960] A.C. 608; [1960] 2 W.L.R. 262

Parker *v.* Rosenberg [1947] 1 K.B. 371; 63 T.L.R. 53; [1947] 1 All E.R. 87. *Distinguished*, Stratford *v.* Syrett [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733, C.A.

Parker *v.* South Eastern Railway Co. (1877) 2 C.P.D. 416, C.A. *Applied*, Ashdown *v.* Samuel Williams & Sons [1956] 2 Q.B. 580; [1956] 3 W.L.R. 129

Parker and Cooper Ltd. *v.* Reading [1926] Ch. 975. *Distinguished*, In re Pearce Duff & Co. Ltd. [1960] 1 W.L.R. 1014

Parkes' Settlement, In re. Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1955] T.R. 233. *Varied* [1956] 1 W.L.R. 397, C.A. *Considered*, Parker *v.* Lord Advocate [1960] A.C. 608; [1960] 2 W.L.R. 262

Parkin *v.* Lippert (1895) 12 S.C.R. (Cape of Good Hope) 179. *Considered*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Parkinson *v.* Parkinson [1939] P. 346; 55 T.L.R. 860; [1939] 3 All E.R. 108. *Considered*, Thompson *v.* Thompson [1956] P. 414; [1956] 2 W.L.R. 815

Parkinson *v.* Plumpton (H. and J.) [1954] 1 W.L.R. 75; [1954] 1 All E.R. 201. *Distinguished*, Hearst *v.* Clark [1955] 1 W.L.R. 1211

Parkinson (Sir Lindsay) & Co. Ltd. *v.* Commissioners of Works and Public Buildings [1949] 2 K.B. 632; [1950] 1 All E.R. 208. *Followed*, British Movietonews Ltd. *v.* London and District Cinemas Ltd. [1951] 1 K.B. 190; 66 T.L.R. (Pt. 2) 203; [1950] 2 All E.R. 390, C.A.

Parrington *v.* Parrington [1951] 2 T.L.R. 918; [1951] 2 All E.R. 916. *Applied*, Hindley *v.* Hindley [1957] 1 W.L.R. 899. *Approved*, Prescott (Formerly Fellowes) *v.* Fellowes [1958] P. 60; [1958] 3 W.L.R. 288, C.A.

Parry *v.* Aluminium Corporation Ltd. [1940] W.N. 44; 56 T.L.R. 318, C.A. *Considered*, Storey *v.* Storey [1960] 3 W.L.R. 653

Parsons, In re [1943] Ch. 12; 59 T.L.R. 19; [1942] 2 All E.R. 496, C.A. *Applied*, In re Stratton's Disclaimer [1957] Ch. 132; [1958] Ch. 42; [1956] 3 W.L.R. 1054; [1957] 3 W.L.R. 199, C.A.

Parsons *v.* Parsons [1907] P. 331; 23 T.L.R. 749. *Distinguished*, Jeffrey *v.* Jeffrey [1951] P. 32; 66 T.L.R. (Pt. 2) 294; [1950] 2 All E.R. 449

Parvin *v.* Morton Machine Co., 1950 S.C. 371. *Referred to*, Thurogood *v.* Van Den Berghs & Jurgens Ltd. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; [1951] 1 All E.R. 682, C.A.

Parvin *v.* Morton Machine Co. Ltd. [1952] A.C. 515; [1952] 1 T.L.R. 682; [1952] 1 All E.R. 670, H.L. Cherry *v.* International Alloys Ltd. [1961] 1 Q.B. 136; [1960] 3 W.L.R. 563

Pasmore *v.* Oswaldtwistle Urban District Council [1898] A.C. 387; 14 T.L.R. 368, H.L. *Distinguished*, Solomons *v.* R. Gertzenstein [1954] 2 W.L.R. 823. *Applied*, Watt *v.* Kesteven County Council [1954] 3 W.L.R. 729

Pasmore *v.* Whitbread & Co. [1953] 2 W.L.R. 359; [1953] 1 All E.R. 391, C.A. *Considered*, Corsini *v.* Montague Burton [1953] 2 Q.B. 126; [1953] 2 W.L.R. 1092, C.A.

Pass of Leny, The (1936) 155 L.T. 421. *Considered*, Reardon Smith Line *v.* Australian Wheat Board [1956] A.C. 266; [1956] 2 W.L.R. 404, P.C.

Pastre *v.* Pastre [1930] P. 80; 46 T.L.R. 175. *Distinguished*, Wood *v.* Wood [1957] P. 254; [1957] 2 W.L.R. 826, C.A.

Patchett *v.* Sterling Engineering Co. (1953) 71 R.P.C. 61. *Reversed*, Sterling Engineering Co. *v.* Patchett [1955] A.C. 534; [1955] 2 W.L.R. 424, H.L.

Paterson *v.* St. Andrew's Provost (1881) 6 App.Cas. 833, H.L. *Distinguished*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

Patrick *v.* Broadstone Mills (1953) 46 R. & I.T. 559. *Affirmed* [1954] 1 W.L.R. 158; [1954] 1 All E.R. 163. *Referred to*, Minister of National Revenue *v.* Anaconda American Brass [1956] A.C. 85; [1956] 2 W.L.R. 33, P.C. *Considered*, Duple Motor Bodies Ltd. *v.* Inland Revenue Commissioners [1960] 1 W.L.R. 510

Patten, In re, Westminster Bank *v.* Carlyon [1929] 2 Ch. 276; 45 T.L.R. 504. *Followed*, Aberconway's Settlement Trusts, In re [1953] Ch. 647; [1953] 3 W.L.R. 183, C.A.

Paul's Settlement Trusts, In re [1920] 1 Ch. 99. *Followed*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285

Pavia & Co., S.P.A. *v.* Thurmann-Nielsen [1952] 2 Q.B. 84; [1952] 1 T.L.R. 586; [1952] 1 All E.R. 492, C.A. *Considered*, Sinason-Teicher-Inter-American Grain Corporation *v.* Oilcakes and Oilseeds Trading Co. [1954] 1 W.L.R. 935. *Applied* [1954] 1 W.L.R. 1394, C.A.; Ian Stach *v.* Baker Bosley [1958] 2 Q.B. 130; [1958] 2 W.L.R. 419

Pavlides *v.* Jensen [1956] Ch. 565; [1956] 3 W.L.R. 224; [1956] 2 All E.R. 518. *Considered*, Birch *v.* Sullivan [1957] 1 W.L.R. 1247

Pawsey *v.* Armstrong (1881) 18 Ch.D. 698. *Followed*, Miles *v.* Clark [1953] 1 W.L.R. 537

Payne, In re, Poplett *v.* Attorney-General [1940] Ch. 576; 56 T.L.R. 525; [1940] 2 All E.R. 115, C.A. *Discussed*, Sneddon *v.* Lord Advocate [1954] A.C. 257; [1954] 2 W.L.R. 211

Payne *v.* Railway Executive [1951] 1 K.B. 26; [1951] 2 T.L.R. 929; [1951] 2 All E.R. 910, C.A. *Applied*, Judd *v.* Hammersmith, etc., Hospitals Board. [1960] 1 W.L.R. 328

Payton, In re. *See* Austin Motor Co.'s Policies, In re.

Payzu *v.* Saunders [1919] 2 K.B. 581; 35 T.L.R. 657, C.A. *Applied*, Pilkington *v.* Wood [1953] Ch. 770; [1953] 3 W.L.R. 522; The Liverpool (No. 2) [1960] 2 W.L.R. 541

Peacock *v.* Amusement Equipment Co. [1954] 2 Q.B. 347; [1954] 3 W.L.R. 288; [1954] 2 All E.R. 689, C.A., reversing [1954] 1 W.L.R. 803; [1954] 2 All E.R. 123. *Decision of Parker J. reversed* [1954] 2 Q.B. 347; [1954] 3 W.L.R. 288; [1954] 2 All E.R. 689, C.A. *Applied*, Mead *v.* Clarke, Chapman & Co. [1956] 1 W.L.R. 77, C.A.; *Distinguished*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

Pearce *v.* Graham (1863) 1 New Rep. 507. *Dicta of Kindersley V.-C. applied*, Basioli, decd., In re, McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

Pearlberg *v.* May [1951] Ch. 104; 66 T.L.R. (Pt. 2) 1125; [1950] 2 All E.R. 1022. *Affirmed*, [1951] Ch. 699; [1951] 2 T.L.R. 1; [1951] 1 All E.R. 1001, C.A.

Pearlman (Veneers) S.A. (Pty.) *v.* Bartels (Bernhard) [1954] 1 W.L.R. 1457; [1954] 3 All E.R. 659, C.A. *Applied*, Thynne *v.* Thynne [1955] P. 272; [1955] 3 W.L.R. 466, C.A.

Pearson, In re [1946] V.L.R. 356. *Considered*, In re Wilson, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097; In re Marshall, decd. Barclays Bank *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 439

Pearson, Ex parte. *See* In re Wiltshire Iron Co.

Pearson *v.* Lambeth Borough Council [1950] 2 K.B. 353; 66 T.L.R. (Pt. 1) 561; [1950] 1 All E.R. 682, C.A. *Referred to*, Hawkins *v.* Coulsdon and Purley Urban District Council [1953] 1 W.L.R. 882. *Applied*, Dunster *v.* Abbott [1954] 1 W.L.R. 58, C.A.

Pearson *v.* Lemaitre (1843) 5 M. & G. 700. *Applied*, Bridgmont *v.* Associated Newspapers Ltd. [1951] 2 K.B. 578; [1951] 2 T.L.R. 682; [1951] 2 All E.R. 285, C.A.

Pearson *v.* Oswald (1859) 21 D. 419, 426. *Dictum of Lord Ivory considered*, Bellshill and Mossend Co-operative Society Ltd. *v.* Dalziel Co-operative Society Ltd. [1960] A.C. 832; [1960] 2 W.L.R. 580, 584

Peart *v.* Hume Steel Ltd. (1947) 75 C.L.R. 242. *Reasoning displaced*, Slazengers (Australia) Pty. Ltd. *v.* Burnett [1951] A.C. 13, P.C.

Peat *v.* Jones & Co. (1881) 8 Q.B.D. 147, C.A. *Distinguished*, In re A Debtor (No. 66 of 1955) [1956] 1 W.L.R. 481

Peat (Sir William Henry) *v.* Gresham Trust [1934] A.C. 252; 50 T.L.R. 345. *Applied*, In re Cutts (A Bankrupt). Ex parte Bognor Mutual Building Society *v.* Trustee of T. W. Cutts [1956] 1 W.L.R. 729, C.A.

Peche *v.* Wilkins (1959) 4 Ryde's R. C. 49. *Followed*, Sole *v.* Henning [1959] 1 W.L.R. 769, C.A.

Pedigree Stock Farm Developments *v.* Wheeler & Co. (1950) 155 E.G. 66. *Followed*, Engall's Agreement, In re [1953] 1 W.L.R. 977

Peech *v.* Best [1931] 1 K.B. 1; 46 T.L.R. 467, C.A. *Referred to*, Mason *v.* Clarke [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48, C.A. *Distinguished*, ibid. [1955] 2 W.L.R. 854, H.L.

Peek *v.* Peek, 64 T.L.R. (Pt. 2) 429; [1948] 2 All E.R. 297, C.A. *Considered*, Prince *v.* Prince [1951] P. 71; 66 T.L.R. (Pt. 2) 493; [1950] 2 All E.R. 375, C.A.

Peel, In re [1936] Ch. 161. *Distinguished*, In re Baron Vestey's Settlement. Lloyds Bank Ltd. *v.* O'Meara [1951] Ch. 209; [1950] 2 All E.R. 891, C.A.

Peete, In re, Peete *v.* Crompton [1952] W.N. 306; [1952] 2 T.L.R. 383; [1952] 2 All E.R. 599. *Considered*, Watkins, In re, Watkins *v.* Watkins [1953] 1 W.L.R. 1323. *Referred to*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954

Pegler *v.* Craven [1952] 2 Q.B. 69; [1952] 1 T.L.R. 618; [1952] 1 All E.R. 685, C.A. *Distinguished*, Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 524, C.A. *Applied*, Teasdale *v.* Walker [1958] 1 W.L.R. 1076, C.A.

Pegler *v.* Railway Executive [1948] A.C. 332; 64 T.L.R. 212; [1948] 1 All E.R. 559, H.L.; affirming sub nom. Pegler *v.* Great Western Railway, 63 T.L.R. 178; [1947] 1 All E.R. 355. *Applied*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465.

Pellas *v.* Breslauer (1871) L.R. 6 Q.B. 438. *Distinguished*, Turner *v.* Jacaranda Clubs [1953] 1 W.L.R. 961

Pellworm, The [1922] 1 A.C. 292; 38 T.L.R. 338. *Applied*, The Hermes [1951] P. 347; [1951] 2 T.L.R. 54

Pelton *v.* Griffith [1957] 3 W.L.R. 522; [1957] 3 All E.R. 75. Petition dismissed sub nom. Griffith *v.* Pelton [1958] 1 W.L.R. 65

Pemberton *v.* Hughes [1899] 1 Ch. 781; 15 T.L.R. 211, C.A. *Considered*, Igra *v.* Igra [1951] P. 347; [1951] 2 T.L.R. 670

Penney *v.* Berry [1955] 1 W.L.R. 1021; [1955] 3 All E.R. 182, C.A. *Distinguished*, Macfarlane *v.* Gwalter [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268, C.A.

Pennington, In re [1914] 1 Ch. 203; 109 L.T. 814, C.A. *Distinguished*, In re Morris's Will Trusts [1960] 1 W.L.R. 1210

Pennsylvania Coal Co. *v.* Mahon (1922) 260 U.S. 393, 417. *Dictum of Brandeis J. approved*, Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148, 155

Penny *v.* Railways Commissioner [1900] A.C. 628; 83 L.T. 182, P.C. *Not followed and distinguished*, In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 1212, C.A.

Penny *v.* Wimbledon U. D. C. [1899] 2 Q.B. 72; 15 T.L.R. 348. *Applied*, Walsh *v.* Holst & Co. [1958] 1 W.L.R. 800, C.A.

Penrhyn's (Lord) Settlement Trusts, In re [1923] 1 Ch. 143; 39 T.L.R. 116. *Distinguished*, In re Meux, decd. Gilmour *v.* Gilmour [1958] Ch. 154; [1957] 3 W.L.R. 378

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Percival, In re (1888) 59 L.T. 21. *Followed*, In re Wray, decd. [1951] Ch. 425; [1951] 1 All E.R. 375, C.A.

Percy, In re (1883) 24 Ch.D. 616. *Followed*, In re Gouk, decd. Allen *v.* Allen [1957] 1 W.L.R. 493

Perera *v.* Mankar (1884) 35 S.C.C. 138. *Applied*, Abeyawardene *v.* West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C.

Perera *v.* Peiris [1949] A.C. 1; 64 T.L.R. 590 (P.C.). *Considered*, Webb *v.* Times Publishing Co. Ltd. [1960] 2 Q.B. 535; [1960] 3 W.L.R. 352

Perera *v.* Unantenna (1953) 54 N.L.R. 457. *Approved*, Land Commissioner *v.* Jayewardene [1960] 3 W.L.R. 643. Land Commissioner *v.* Pillai [1960] A.C. 854; [1960] 3 W.L.R. 626

Perez *v.* C.A.V. Ltd. [1959] 1 W.L.R. 724; [1959] 2 All E.R. 414. *Approved*, Hultquist *v.* Universal Pattern and Precision Engineering Co. Ltd. [1960] 2 Q.B. 467; [1960] 2 W.L.R. 886, 897

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Perrin *v.* Morgan [1943] A.C. 399; 59 T.L.R. 134; [1943] 1 All E.R. 187, H.L. *Considered*, In re Trundle, decd. [1960] 1 W.L.R. 1388

Perrins *v.* Draper [1953] 1 W.L.R. 1178; [1953] 2 All E.R. 863, C.A. *Followed*, National Pig Progeny Testing Board *v.* Greenall [1960] 1 W.L.R. 1265

Perrins *v.* Perrins [1951] 2 K.B. 414; [1951] 1 T.L.R. 945; [1951] 1 All E.R. 1075, D.C. *Distinguished*, Francis *v.* Yiewsley and West Drayton Urban District Council [1957] 2 Q.B. 136; [1957] 2 W.L.R. 628. *Overruled* [1957] 2 Q.B. 136; [1957] 3 W.L.R. 920, C.A. *Applied*, Norris *v.* Edmonton Corporation [1957] 2 Q.B. 564; [1957] 3 W.L.R. 389, D.C.

Perry *v.* Astor (1935) 51 T.L.R. 325, H.L. *Considered and distinguished*, Inland Revenue Commissioners *v.* Kenmare [1956] Ch. 220; [1955] 3 W.L.R. 922

Perry *v.* London General Omnibus Co. [1916] 2 K.B. 335; 32 T.L.R. 583. *Considered*, Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435; [1951] 2 All E.R. 381, C.A.

Perry *v.* Perry [1952] P. 203; [1952] 1 T.L.R. 1633; [1952] 1 All E.R. 1076, C.A. *Applied*, Harvey *v.* Harvey [1956] P. 102; [1955] 3 W.L.R. 947, C.A. *Considered*, Roe *v.* Roe [1956] 1 W.L.R. 1380, D.C. *Followed and applied*, Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 1, D.C.

Perry *v.* Sharon Development Co. [1937] 4 All E.R. 390, C.A. *Applied*, Jennings *v.* Tavener [1955] 1 W.L.R. 932; Lynch *v.* Thorne [1956] 1 W.L.R. 304, C.A.

Peters (Mary L.) (1895) 68 Fed. 919. *Considered*, Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1960] 1 Q.B. 536; [1960] 2 W.L.R. 87, 103

Petherpermal Chetty *v.* Muniandi Servai (1908) L.R. 35 I.A. 98. *Considered*, Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127, 132

Petrie *v.* MacFisheries Ltd. [1940] 1 K.B. 258; 56 T.L.R. 119; [1939] 4 All E.R. 281, C.A. *Considered*, Orman *v.* Saville Sportswear Ltd. [1960] 1 W.L.R. 1055.

Petrofina S.A. of Brussels *v.* Compagnia Italiana Transporto Olii Minerali of Genoa (1937) 53 T.L.R. 650, C.A. *Applied*, Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 Q.B. 233; [1957] 2 W.L.R. 970, C.A. *Considered*, Adamastos Shipping Co. *v.* Anglo-Saxon Petroleum Co. [1959] A.C. 133; [1958] 2 W.L.R. 688

Pettit, In re. Le Fevre *v.* Pettit [1922] 2 Ch. 765; 38 T.L.R. 787. *Applied*, In re Lyons [1951] Ch. 1093; [1951] 2 T.L.R. 429; [1951] 2 All E.R. 507. *Referred to*, In re Batley, decd. [1951] Ch. 558; [1951] 1 T.L.R. 935, C.A. *Not applied*, Jefferson *v.* Jefferson [1956] P. 136; [1955] 1 W.L.R. 1002, C.A. *Distinguished*, In re Pelly's Will Trusts. Ransome *v.* Pelly [1957] 1 Ch. 1; [1956] 3 W.L.R. 26, C.A.

Petty *v.* Petty [1943] P. 101; 59 T.L.R. 385; [1943] 2 All E.R. 511. *Considered*, Prince *v.* Prince [1951] P. 71; 66 T.L.R. (Pt. 2) 493; [1950] 2 All E.R. 375, C.A.

Peverett, In the Goods of [1902] P. 205. *Considered*, In the Estate of Denning, decd. [1958] 1 W.L.R. 462

Pew *v.* Pew (C.A., unreported, January 30, 1951). *Applied*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C.

Pfeiffer *v.* Midland Railway Co. (1886) 18 Q.B.D. 243. *Distinguished*, Taylor *v.* John Summers & Sons [1957] 1 W.L.R. 1182, C.A.

Pharmaceutical Society of Great Britain *v.* Boots Cash Chemists (Southern) [1952] 2 Q.B. 795; [1952] 2 T.L.R. 340; [1952] 2 All E.R. 456. *Affirmed* [1953] 1 Q.B. 401; [1953] 2 W.L.R. 427, C.A.

Phené's Trusts, In re (1870) 5 Ch. 139, L.J. *Considered*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 955

Philippine, The (1867) L.R. 1 A. & E. 309. *Followed*, Wagg *v.* Law Society [1957] Ch. 405; [1957] 3 W.L.R. 21

Philipps *v.* Chamberlaine (1798) 4 Ves.Jun. 51. *Considered*, In re Levy, decd. [1960] Ch. 346; [1960] 2 W.L.R. 278

Philips *v.* Bury (1692) 4 Mod. 106. *Considered*, Rex *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 2 W.L.R. 32; [1959] 3 All E.R. 879. *Decision of the Court of Appeal reversed* [1960] 3 W.L.R. 1008

Phillips, In re, Lawrence *v.* Huxtable [1931] 1 Ch. 347. *Applied*, In re Triffitt's Settlement [1958] Ch. 852; [1958] 2 W.L.R. 927. *Considered*, Commissioner of Estate and Succession Duties (Barbados) *v.* Bowring [1960] 3 W.L.R. 741

Phillips *v.* Britannia Hygienic Laundry Co. [1923] 2 K.B. 832; 39 T.L.R. 530. *Applied*, Attorney-General *v.* St. Ives Rural District Council [1960] 1 Q.B. 312; [1959] 3 W.L.R. 575

Phillips *v.* Brooks Ltd. [1919] 2 K.B. 243; 35 T.L.R. 470. *Distinguished*, Ingram *v.* Little [1961] 1 Q.B. 31; [1960] 3 W.L.R. 504

Phillips *v.* Copping [1935] 1 K.B. 15; 50 T.L.R. 533, C.A. *Followed*, Mills *v.* Bryce [1951] 1 K.B. 757; [1951] 1 T.L.R. 53; [1951] 1 All E.R. 111, C.A.

Phillips *v.* Hallahan [1925] 1 K.B. 756; 41 T.L.R. 407. *Applied*, Cumbes *v.* Robinson [1951] 2 K.B. 83; [1951] 1 All E.R. 661, C.A.

Phillips *v.* London and South Western Railway Co. (1879) 5 Q.B.D. 78, C.A. *Considered*, Harris *v.* Brights Asphalt Contractors [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341; Pope *v.* D. Murphy & Son Ltd. [1960] 2 W.L.R. 861

Phillips *v.* Phillips (1862) 4 De G.F. & J. 208, L.C. *Applied*, Westminster Bank *v.* Lee [1956] Ch. 6; [1955] 3 W.L.R. 376

Phillips-Higgins *v.* Harper [1954] 1 Q.B. 411; [1954] 2 W.L.R. 117; [1954] 1 All E.R. 116. *Affirmed* [1954] 1 Q.B. 411; [1954] 2 W.L.R. 782, C.A.

Philp *v.* Squire (1791) Peake 114, N.P. *Considered*, Winchester *v.* Fleming [1958] 1 Q.B. 259; [1957] 3 W.L.R. 1024

Pickering *v.* Rudd (1815) 4 Camp. 219. *Not followed*, Kelsen *v.* Imperial Tobacco Co. (of Great Britain and Ireland) [1957] 2 Q.B. 334; [1957] 2 W.L.R. 1007

Pickersgill *v.* Rodger (1876) 5 Ch.D. 163. *Observations of Jessel M.R. applied*, Basioli, decd., In re, McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

Pickett *v.* Pickett (orse. Moss) [1951] P. 267; [1951] 1 T.L.R. 585; [1951] 1 All E.R. 614. *Applied*, Robertson *v.* Robertson [1954] 1 W.L.R. 1537

Piercy, In re [1895] 1 Ch. 83; 11 T.L.R. 21. *Considered*, Philipson-Stow *v.* Inland Revenue Commrs. [1960] Ch. 313; [1960] 3 W.L.R. 1008

Piers *v.* Piers (1849) 2 H.L.Cas. 331, H.L. *Followed*, Hill (Ernest Clarence) *v.* Hill (Ernest Carlton) [1959] 1 W.L.R. 127, P.C.

Pike *v.* Pike [1954] P. 81n.; [1953] 3 W.L.R. 634n.; [1953] 11 All E.R. 232, C.A. *Observations of Denning L.J. explained*, Timmins *v.* Timmins [1953] 1 W.L.R. 757, C.A. *Considered*, Dixon *v.* Dixon [1953] P. 103; [1953] 2 W.L.R. 748; Hill *v.* Hill [1954] P. 291; [1954] 2 W.L.R. 473. *Distinguished*, Foster *v.* Foster [1954] P. 67; [1953] 3 W.L.R. 623, D.C. *Considered and applied*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659

Pilcher *v.* Pilcher [1955] P. 318; [1955] 3 W.L.R. 231; [1955] 2 All E.R. 644, D.C. *Further Proceedings* [1956] 1 W.L.R. 298, D.C.

Pilkington, In re, Pilkington *v.* Pilkington (1892) 29 L.R.Ir. 370. *Considered and distinguished*, In re Manners, decd., Public Trustee *v.* Manners [1955] 1 W.L.R. 1097

Pilling *v.* Abergele U. D. C. [1950] 1 K.B. 636; 66 T.L.R. (Pt. 1) 166; [1950] 1 All E.R. 76, D.C. *Followed*, Higham *v.* Havant and Waterloo U. D. C. [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 1 All E.R. 178, D.C.

Pillsbury-Washburn Flour Mills Co. *v.* Eagle (1898) 86 Fed.Rep. 608. *Applied*, Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Pilot *v.* Gainfort [1931] P. 103; 47 T.L.R. 376. *Followed and applied*, Langston, decd., In the Estate of [1953] P. 100; [1953] 1 W.L.R. 581

Pinnick *v.* Pinnick [1957] 1 W.L.R. 644; [1957] 1 All E.R. 873, D.C. *Applied*, Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C.; Jones *v.* Jones [1959] P. 38; [1958] 3 W.L.R. 635, D.C.

Pinnock Brothers *v.* Lewis & Peat [1923] 1 K.B. 690; 39 T.L.R. 212. *Dicta applied*, Karsales (Harrow) *v.* Wallis [1956] 1 W.L.R. 937, C.A.

Pinson *v.* Lloyds and National Provincial Foreign Bank Ltd. [1941] 2 K.B. 72; 57 T.L.R. 558; [1941] 2 All E.R. 636, C.A. *Applied*, Inland Revenue Commissioners *v.* Jackson [1960] 1 W.L.R. 873

Pioneer Laundry and Dry Cleaners *v.* Minister of National Revenue 56 T.L.R. 12; [1939] 4 All E.R. 254, P.C. *Applied*, Comptroller of Income Tax *v.* Harrisons and Crosfield (Malaya) [1956] A.C. 459; [1956] 2 W.L.R. 835, P.C.

Piper, In re, Dodd *v.* Piper (1946) 175 L.T. 426; 62 T.L.R. 618; [1946] 2 All E.R. 503. *Considered*, Wolffe, In re, Shapley *v.* Wolffe [1953] 1 W.L.R. 1211

Place *v.* Searl [1932] 2 K.B. 497; 48 T.L.R. 428, C.A. *Referred to*, Best *v.* Samuel Fox & Co. Ltd. [1951] 2 K.B. 639; [1951] 1 T.L.R. 1138; [1951] 2 All E.R. 116, C.A.

Planché *v.* Fletcher (1779) 1 Doug.K.B. 251. *Considered*, Government of India, Ministry of Finance (Revenue Division) *v.* Taylor [1955] A.C. 491; [1955] 2 W.L.R. 303, H.L.

Plating Co. *v.* Farquharson (1881) 17 Ch.D. 49, C.A. *Considered and applied*, Martell *v.* Consett Iron Co. [1954] 3 W.L.R. 648; [1955] Ch. 363; [1955] 2 W.L.R. 463, C.A.

Plumer *v.* Plumer & Bygrave (1859) Sea. & Sm. 147. *Considered*, N. *v.* N. and L. [1957] P. 333; [1957] 2 W.L.R. 797

Plummer (John) *v.* Wilson (William) (1841) 1 Ph. 56, 59. *Considered*, The Liverpool (No. 2) [1960] 3 W.L.R. 597

Podar Trading Co. Ltd., Bombay *v.* Francois Tagher, Barcelona [1949] 2 K.B. 277; 65 T.L.R. 433; [1949] 2 All E.R. 62, D.C. *Overruled*, Chandris *v.* Isbrandtsen-Moller Co. Inc. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 2) 358; [1950] 2 All E.R. 618, C.A.

Point of Ayr Collieries *v.* Lloyd George [1943] 2 All E.R. 546. *Distinguished*, Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630, C.A.

Pointe Gourde Quarrying and Transport Co. *v.* Sub-Intendent of Crown Lands [1947] A.C. 565; 63 T.L.R. 486, P.C. *Considered*, Lambe *v.* Secretary of State for War [1955] 2 Q.B. 612; [1955] 2 W.L.R. 1127, C.A.

Pointer *v.* Norwich Assessment Committee [1922] 2 K.B. 471, C.A. *Applied*, Stockbridge Mill Co. *v.* Central Land Board [1954] 1 W.L.R. 886, C.A.

Poisson & Woods *v.* Robertson & Turvey (1901) 50 W.R. 260, C.A. *Dictum of Stirling L.J. applied*, Cristel *v.* Cristel [1951] 2 K.B. 725; [1951] 2 All E.R. 574, C.A.

Poku, In re (November 16, 1951) W.A.C.A. *Followed*, Izuora *v.* R. [1953] A.C. 327; [1953] 2 W.L.R. 700, P.C.

Polemis and Furness, Withy & Co., In re [1921] 3 K.B. 560; sub nom. Polemis & Furness, Withy & Co., 37 T.L.R. 940, C.A. *Still good law*, Thurogood *v.* Van Den Berghs & Jurgens Ltd. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; [1951] 1 All E.R. 682, C.A. *Applied*, Pigney & Pointer's Transport Services [1957] 1 W.L.R. 1122; Schneider *v.* Eisovitch [1960] 2 Q.B. 430; [1960] 2 W.L.R. 169

Pollard, In re [1903] 2 K.B. 41, C.A. *Distinguished*, Coles *v.* Coles [1957] P. 68; [1956] 3 W.L.R. 862

Polley *v.* Fordham [1904] 2 K.B. 345; 20 T.L.R. 435, D.C. *Applied*, O'Connor *v.* Isaacs [1956] 2 Q.B. 288; [1956] 3 W.L.R. 173, C.A.

Ponder, In re. Ponder *v.* Ponder [1921] 2 Ch. 59. *Applied*, Harvell *v.* Foster [1954] 1 Q.B. 591; [1954] 2 W.L.R. 642; In re Cockburn's Will Trusts [1957] Ch. 438; [1957] 3 W.L.R. 213. *Observations of Sargant J. disapproved* [1954] 2 Q.B. 367; [1954] 3 W.L.R. 351

Ponoka-Calmar Oils *v.* Wakefield (Earl F.) Co. [1958] S.C.R. 361. *Judgment of Sup. Ct. of Canada affirmed* [1960] A.C. 18; [1959] 3 W.L.R. 631, P.C.

Poole *v.* Pass (1839) 1 Beav. 600. *Distinguished*, Dargie, decd., In re, Miller *v.* Thornton-Jones [1954] Ch. 16; [1953] 1 W.L.R. 991

Pooley, In re (1888) 40 Ch.D. 1; 5 T.L.R. 21, C.A. *Considered*, In re Royce's Will Trusts [1959] Ch. 191; [1958] 3 W.L.R. 676

Popatlal Padamshi *v.* Shah Meghji Hirji, Civil Appeal No. 32 of 1951. *Referred to*, Meghji Lakhamshi & Brothers *v.* Furniture Workshop [1954] A.C. 80; [1954] 2 W.L.R. 159, P.C.

Pope *v.* D. Murphy & Sons Ltd. [1960] 2 W.L.R. 861; [1960] 2 All E.R. 873. *Applied*, Oliver *v.* Ashman [1961] 1 Q.B. 337; [1960] 3 W.L.R. 924

Poplar Metropolitan Borough Assessment Committee *v.* Roberts [1922] 2 A.C. 93; 38 T.L.R. 499, H.L. *Referred to*, Port of Spain Corporation *v.* Gordon Grant & Co. [1955] A.C. 389; [1955] 2 W.L.R. 723, P.C.

Poplett *v.* Attorney-General. *See* In re Payne.

Porter *v.* Freudenberg [1915] 1 K.B. 857; 31 T.L.R. 162, C.A. *Observations of Lord Reading applied*, Deverall *v.* Grant Advertising Inc. [1955] Ch. 111; [1954] 3 W.L.R. 688, C.A.

Porter (William) & Co., In re [1937] 2 All E.R. 361. *Applied*, Hopgood *v.* Brown [1955] 1 W.L.R. 213, C.A.; City and Westminster Properties (1934) *v.* Mudd [1959] Ch. 129; [1958] 3 W.L.R. 312

Porter's Trust, In re (1857) 4 K. & J. 188. *Considered*, In re Kilvert, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

Portland *v.* Topham (1864) 11 H.L.Cas. 32, H.L. *Applied*, Greaves, In re, Public Trustee *v.* Ash [1953] 3 W.L.R. 987; In re Burton's Settlement, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

Portman (Viscount) (No. 2), In re [1925] Ch. 294. *Considered*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A.

Portman Building Society *v.* Young [1951] 2 T.L.R. 369; [1951] 1 All E.R. 191, C.A. *Distinguished*, Steyning and Littlehampton Building Society *v.* Wilson [1951] Ch. 1018; [1951] 2 T.L.R. 424; [1951] 2 All E.R. 452. *Applied*, Alliance Building Society *v.* Pinwill [1958] Ch. 788; [1958] 3 W.L.R. 1

Post Office *v.* Official Solicitor [1951] 1 All E.R. 522; [1951] 1 T.L.R. 333. *Applied*, Harvey *v.* R. G. O'Dell [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473

Postill *v.* East Riding County Council [1956] 2 Q.B. 386; [1956] 3 W.L.R. 334; [1956] 2 All E.R. 685, D.C. *Distinguished*, Fyson *v.* Buckingham County Council. Metal Recovery and Storage Co. *v.* Same [1958] 1 W.L.R. 634, D.C.

Postlethwaite *v.* Freeland (1880) 5 App.Cas. 599, 619. *Dicta of Lord Blackburn considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Pott's Executors *v.* Inland Revenue Commissioners [1949] 2 K.B. 706; [1949] 2 All E.R. 555, C.A. *Reversed* [1951] A.C. 443; [1951] 1 T.L.R. 152; [1951] 1 All E.R. 76, H.L.

Potteries Electric Traction Co. *v.* Bailey [1931] A.C. 151; 47 T.L.R. 154, H.L. *Considered*, Automobile Proprietary *v.* Brown [1955] 1 W.L.R. 573, C.A.; London Transport Executive *v.* Betts [1957] 1 W.L.R. 989, C.A.; *Applied*, London Transport Executive *v.* Betts [1959] A.C. 213; [1958] 3 W.L.R. 239, H.L.

Potts (W. T.), In re [1935] Ch. 334. *Considered*, Gorfin *v.* Odhams Press [1958] 1 W.L.R. 314, C.A.

Powell *v.* Cleland [1948] 1 K.B. 262; 63 T.L.R. 626; [1947] 2 All E.R. 672, C.A. *Referred to*, H. L. Bolton (Engineering) Co. *v.* T. J. Graham & Sons [1957] 1 Q.B. 159; [1956] 3 W.L.R. 805, C.A.

Powell *v.* Hellicar [1919] 1 Ch. 138. *Distinguished*, In re James's Will Trusts [1960] 3 W.L.R. 1031

Powell *v.* Kempton Park Racecourse Co. Ld. [1899] A.C. 143; 15 T.L.R. 266, H.L. *Considered and applied*, Prince Ernest of Hanover *v.* Attorney-General [1955] Ch. 440; [1955] 2 W.L.R. 614; 3 W.L.R. 869. *Considered*, sub nom. Attorney-General *v.* Prince Ernest of Hanover [1957] A.C. 436; [1957] 2 W.L.R. 2, H.L.

Powell *v.* Powell (1889) 14 P.D. 177. *Applied*, Cassidy *v.* Cassidy [1959] 1 W.L.R. 1024, D.C.

Powell Duffryn Steam Coal Co. *v.* Taff Vale Railway Co. (1874) 9 Ch.App. 331. *Applied*, Attorney-General ex relatione Allen *v.* Colchester Borough Council [1955] 2 Q.B. 207; [1955] 2 W.L.R. 913

Power's Settlement Trusts, In re [1951] Ch. 689; [1951] 1 T.L.R. 820; [1951] 1 All E.R. 932. *Affirmed* [1951] Ch. 1074; [1951] 2 T.L.R. 355; [1951] 2 All E.R. 513, C.A.

Practice Direction [1959] 3 All E.R. 471, C.C.A. *Considered*, R. *v.* Sansbury [1959] 1 W.L.R. 1091

Practice Direction (Ancillary Relief) [1954] 1 W.L.R. 898; [1954] 2 All E.R. 349, P.D.A. *Amended*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130

Practice Note (Prison Commissioners' Report) [1959] 1 W.L.R. 849; [1959] 2 All E.R. 734; sub nom. Reg. *v.* Wintle, 43 Cr.App.R. 191. *Considered*, Reg. *v.* Governor of Parkhurst Prison, Ex parte Philpot [1960] 1 W.L.R. 115, 118

Praed *v.* Graham (1889) 24 Q.B.D. 53, C.A. *Applied*, London *v.* Ryder [1953] 2 Q.B. 202; [1953] 2 W.L.R. 537

Pratapsing Shinsing *v.* Agarsingji Raisingji (1918) L.R. 46 I.A. 97. *Applied*, Attorney-General of Ceylon *v.* Ar. Arunachalam Chettiar [1957] A.C. 540; [1957] 3 W.L.R. 304, P.C.

Prater, In re (1888) 37 Ch.D. 481; 4 T.L.R. 249, C.A. *Applied*, In re Trundle, decd. [1960] 1 W.L.R. 1388

Pratt, In re. Ex parte Inland Revenue Commissioners *v.* Phillips [1950] W.N. 414, D.C. *Reversed* [1951] Ch. 225; 66 T.L.R. (Pt. 2) 847; [1950] 2 All E.R. 994, C.A.

Pratt *v.* Pratt (1927) 43 T.L.R. 523. *Distinguished*, Dankbars, In re [1954] Ch. 98; [1953] 3 W.L.R. 957, C.A. *Considered*, Bowen *v.* Bowen [1958] 1 W.L.R. 508, D.C.

Pratt *v.* Pratt [1939] A.C. 417; 55 T.L.R. 910; [1939] 3 All E.R. 437, H.L. *Applied*, W. *v.* W. (No. 2) [1954] P. 486; [1954] 3 W.L.R. 381, C.A.; Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229

Premier Confectionery (London) Co. *v.* London Commercial Sale Rooms [1933] Ch. 904. *Applied*, In re Town Investments Underlease [1954] Ch. 301; [1954] 2 W.L.R. 355

Prescott (orse. Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288; [1958] 3 All E.R. 55, C.A.; reversing [1958] 2 W.L.R. 679; [1958] 1 All E.R. 824. *Decision of Stevenson J. reversed* [1958] P. 260; [1958] 3 W.L.R. 288, C.A. *Distinguished*, Brown *v.* Brown [1959] P. 86; [1959] 1 W.L.R. 776, C.A.

Press Caps, In re [1947] Ch. 434; [1949] 1 All E.R. 1013, C.A. (for interlocutory proceedings in this case, see [1948] W.N. 351; [1948] 2 All E.R. 638). *Referred to*, In re Western Manufacturing (Reading) [1956] Ch. 436; [1956] 2 W.L.R. 438. *Distinguished*, In re Bugle Press Ltd. [1961] Ch. 270; [1960] 3 W.L.R. 956

Preston Banking Co. *v.* William Allsup & Sons [1895] 1 Ch. 141, C.A. *Dicta applied*, In re Harrison's Share under a Settlement, Harrison *v.* Harrison [1954] 3 W.L.R. 156

Preston-Jones *v.* Preston-Jones [1951] A.C. 391; [1951] 1 T.L.R. 8; [1951] 1 All E.R. 124, H.L.; reversing [1949] W.N. 339; 65 T.L.R. 620, C.A. *Considered*, Galler *v.* Galler [1954] P. 252; [1954] 2 W.L.R. 395, C.A. *Distinguished*, Hornal *v.* Neuberger Products [1957] 1 Q.B. 247; [1946] 3 W.L.R. 1035, C.A. *Dicta applied*, Horton *v.* Horton [1960] 1 W.L.R. 987

Price, In re [1928] Ch. 579. *Considered*, Cooper *v.* Critchley [1955] Ch. 431; [1955] 2 W.L.R. 511, C.A.

Price, In re [1943] Ch. 422; 59 T.L.R. 367; [1943] 2 All E.R. 505. *Referred to*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Price *v.* Price [1951] P. 413; [1951] 2 All E.R. 580n., C.A. *Applied*, Dyson *v.* Dyson [1954] P. 198; [1953] 3 W.L.R. 1141; Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C. *Considered*, Wells *v.* Wells [1954] 1 W.L.R. 1390, C.A. *Followed*, Pinnick *v.* Pinnick [1957] 1 W.L.R. 644, D.C.

Price *v.* Rhondda Urban District Council [1923] 2 Ch. 372. *Applied*, Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181

Pride of Derby and Derbyshire Angling Association *v.* British Celanese [1952] 1 T.L.R. 1013; [1952] 1 All E.R. 1326. *Affirmed* [1953] Ch. 149; [1953] 2 W.L.R. 58; [1953] 1 All E.R. 179, C.A. *Discussed*, Smeaton *v.* Ilford Corporation [1954] Ch. 450; [1954] 2 W.L.R. 668.

Prideaux *v.* Warne (1793) 2 Lev. 96. *Considered*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Prince *v.* Prince [1951] P. 71; 66 T.L.R. (Pt. 2) 493; [1950] 2 All E.R. 375, C.A. *Distinguished*. Edwards *v.* Edwards [1951] P. 228; [1951] 1 T.L.R. 600; [1951] 1 All E.R. 63, D.C. *Considered*, Corbett *v.* Corbett [1953] P. 205; [1953] 2 W.L.R. 1124. *Applied*, Skull *v.* Skull [1954] P. 458; [1954] 2 W.L.R. 1049; Wells-King *v.* Wells-King [1955] 1 W.L.R. 309, D.C.

Prince Ernest of Hanover *v.* Attorney-General [1955] Ch. 440; [1955] 2 W.L.R. 613; sub nom. Prince Ernest Augustus of Hanover *v.* Attorney-General [1955] 1 All E.R. 746. *Reversed* [1955] Ch. 440; [1955] 3 W.L.R. 869, C.A.

Princess Paley Olga *v.* Weisz [1929] 1 K.B. 718; 45 T.L.R. 365, C.A. *Distinguished*, Anglo-Iranian Oil Co. *v.* Jaffrate (The Rose Mary) [1953] 1 W.L.R. 246

Pringle *v.* Gloag (1879) 10 Ch.D. 676. *Considered*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Prinsep *v.* Prinsep [1929] P. 225; 45 T.L.R. 376. *Applied*, Best *v.* Best [1956] P. 76; [1955] 3 W.L.R. 335

Prior, In re [1921] 3 K.B. 333, C.A. *Considered*, L. C. C. *v.* Monks [1959] Ch. 239; [1959] 2 W.L.R. 17

Pritchard's Settled Estate, In re. *See* In re Gordon and Adams' Contract.

Pritt, In re (1915) 85 L.J.Ch. 166; 31 T.L.R. 299. *Considered*, In re Dawson's Will Trusts, National Provincial Bank *v.* National Council of the Y.M.C.A. Incorporated [1957] 1 W.L.R. 392

Produce Brokers Co. *v.* Olympia Oil and Cake Co. [1916] 1 A.C. 314; 32 T.L.R. 115, H.L. *Applied*, London Export Corporation *v.* Jubilee Coffee Roasting Co. [1958] 1 W.L.R. 661, C.A.

Progress, The (1810) 1 Edw. 210. *Applied*, The Hermes [1951] P. 347; [1951] 2 T.L.R. 54; Schiffahrt-Treuhand, G.m.b.H. *v.* H.M. Procurator-General [1953] A.C. 232; [1953] 2 W.L.R. 209, P.C.

Proudfoot *v.* Hart (1890) 25 Q.B.D. 42; 6 T.L.R. 305, C.A. *Applied*, Jaquin *v.* Holland [1960] 1 W.L.R. 258

Prout *v.* Hunter [1924] 2 K.B. 736; 40 T.L.R. 868, C.A. *Distinguished*, John M. Brown Ltd. *v.* Bestwick [1951] 1 K.B. 21; 66 T.L.R. (Pt. 2) 248; [1950] 2 All E.R. 338, C.A. *Referred to*, Francis Jackson Developments Ltd. *v.* Hall [1951] 2 K.B. 488; [1951] 2 T.L.R. 97; [1951] 2 All E.R. 74, C.A. *Considered*, Anspach *v.* Charlton Steam Shipping Co. [1955] 2 Q.B. 21; [1955] 2 W.L.R. 601, C.A.

Prudential Assurance Co. *v.* Chatterley-Whitfield Collieries [1949] A.C. 512; [1954] 1 All E.R. 1094, H.L. *Considered and distinguished*, In re Old Silkstone Collieries [1954] Ch. 169; [1954] 2 W.L.R. 77, C.A.

Prudential Assurance Co. *v.* Edmonds (1877) 2 App.Cas. 487, H.L. *Considered*, Watkins, In re, Watkins *v.* Watkins [1953] 1 W.L.R. 1323. *Applied*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 955

Prudential Staff Union *v.* Hall [1947] K.B. 685; 63 T.L.R. 392. *Distinguished*, Green *v.* Russell [1959] 1 Q.B. 28; [1958] 3 W.L.R. 371

Pryce, In re [1911] 2 Ch. 286, C.A. *Distinguished*, In re Waite's Settlement Trusts [1958] Ch. 100; [1957] 2 W.L.R. 1025

Public Trustee *v.* Ash. *See* In re Greaves.

Public Trustee *v.* Attorney-General. *See* In re Glyn Will Trusts.

Public Trustee *v.* Cuthbert. *See* In re Bromage.

Public Trustee *v.* Griffin. *See* In re Flinn.

Public Trustee *v.* Inland Revenue Commissioners [1958] 2 W.L.R. 429; [1958] 1 All E.R. 550. *Decision of Danckwerts J. affirmed* [1958] Ch. 865; [1958] 3 W.L.R. 163, C.A. *Decision of the Court of Appeal reversed* [1960] A.C. 398; [1960] 2 W.L.R. 203

Public Trustee *v.* Koenigsberg. *See* In re Koenigsberg.

Puddephatt *v.* Leith (No. 2) [1916] 2 Ch. 168. *Applied*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Pugh *v.* Manchester Dry Docks Co. [1954] 1 W.L.R. 389; [1954] 1 All E.R. 600. *Decision of Donovan J. approved*, Frost *v.* John Summers & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794, C.A.

Pulbrook *v.* Richmond Consolidated Mining Co. (1878) 9 Ch.D. 610. *Explained*, Hayes *v.* Bristol Plant Hire [1957] 1 W.L.R. 500

Purcell, In re (1884) 13 L.R.Ir. 489. *Not followed*, Watson *v.* Murray & Co. [1955] 2 Q.B. 1; [1955] 2 W.L.R. 349

Purefoy Engineering Co. *v.* Sykes Boxall Co. (1955) 72 R.P.C. 89; reversing in part and affirming in part (1954) 71 R.P.C. 227. *Considered*, Football League *v.* Littlewoods Pools [1959] Ch. 637; [1959] 3 W.L.R. 42

Purkis *v.* Walthamstow Borough Council (1934) 151 L.T. 30, C.A. *Applied*, Dyer *v.* Ilfracombe Urban District Council [1956] 1 W.L.R. 219, C.A.

Purvis *v.* Traill (1849) 3 Ex. 344. *Considered*, Institution of Mechanical Engineers *v.* Cane [1960] 3 W.L.R. 978

Pwllbach Colliery Co. *v.* Woodman [1915] A.C. 634; 31 T.L.R. 271, H.L. *Applied*, Bulstrode *v.* Lambert [1953] 1 W.L.R. 1064

Pyke, Ex parte. In re Lister (1878) 8 Ch.D. 754. *No longer law*, MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240, C.A.

Pyman Bros. *v.* Dreyfus Bros. & Co. (1890) 24 Q.B.D. 152. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Pyrah (Inspector of Taxes) *v.* Annis & Co. [1956] 1 W.L.R. 974; [1956] 2 All E.R. 858. *Affirmed* [1957] 1 W.L.R. 190, C.A.

Pyrene Co. *v.* Scindia Navigation Co. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005; [1954] 2 All E.R. 158. *Considered*, G. H. Renton & Co. *v.* Palmyra Trading Corporation of Panama [1956] 1 Q.B. 462; [1956] 2 W.L.R. 233, C.A.; Midland Silicones Ltd. *v.* Scruttons Ltd. [1961] 1 Q.B. 106; [1960] 3 W.L.R. 372. *Applied* [1957] A.C. 149; [1957] 2 W.L.R. 46, H.L.

Pyx Granite Co. *v.* Ministry of Housing and Local Government [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371; [1958] 1 All E.R. 625, C.A. *Applied*, Fawcett Properties *v.* Buckingham County Council [1960] 3 W.L.R. 831. *Decision of Court of Appeal reversed* [1960] A.C. 260; [1959] 3 W.L.R. 346

Quartz Hill Consolidated Gold Mining Co. *v.* Eyre (1883) 11 Q.B.D. 674, C.A. *Applied*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Queen Victoria Memorial Hospital *v.* Thornton (1953) 87 C.L.R. 144. *Considered*, Attorney-General for Australia *v.* The Queen [1957] A.C. 288; [1957] 2 W.L.R. 608, P.C.

Queen's Club Garden Estates *v.* Bignell [1924] 1 K.B. 117; 39 T.L.R. 496, D.C. *Considered*, Bathavon Rural District Council *v.* Carlile [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545, C.A.

Queen's Hotel Co., Cardiff, In re, Vernon Tin Plate Co., In re [1900] 1 Ch. 792. *Applied*, Adelphi Hotel (Brighton), In re, District Bank *v.* Adelphi Hotel (Brighton) [1953] 1 W.L.R. 955

Quilter *v.* Mapleson (1882) 9 Q.B.D. 672, C.A. *Distinguished*, In re Vernazza [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135. *Applied*, Attorney-General *v.* Vernazza [1960] A.C. 965; [1960] 3 W.L.R. 466

Quinn *v.* Horsfall and Bickham [1956] 1 W.L.R. 264; [1956] 1 All E.R. 777. *Reversed*, [1956] 1 W.L.R. 653, C.A.

Quinn *v.* Ministry of Commerce [1954] N.I. 131. *Considered*, Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745, 749

Quirk, In re [1941] Ch. 46; 56 T.L.R. 983. *Considered*, In re Cunliffe-Owen, decd. [1951] Ch. 964; [1951] 1 T.L.R. 1073; [1951] 2 All E.R. 220

R. *v.* Abramovitch (1914) 84 L.J.K.B. 396; 31 T.L.R. 88, C.C.A. *Explained*, Regina *v.* Hepworth and Fearnley [1955] 2 Q.B. 600; [1955] 3 W.L.R. 331, C.C.A.

R. *v.* Agricultural Land Tribunal for Eastern Province of England, ex parte Grant [1956] 1 W.L.R. 1240; [1956] 3 All E.R. 321, C.A. *Applied*, Davies *v.* Price [1958] 1 W.L.R. 434, C.A.

R. *v.* Agricultural Land Tribunal for the Wales and Monmouthshire Area, Ex parte Davies [1953] 1 W.L.R. 722; [1953] 1 All E.R. 1182, D.C. *Applied*, Regina *v.* Agricultural Land Tribunal for Eastern Province of England, Ex parte Grant [1956] 1 W.L.R. 1241, C.A.

R. *v.* Allen (1862) 1 B. & S. 850. *Dictum of Crompton J. explained*, Poole *v.* The Queen [1961] A.C. 223; [1960] 3 W.L.R. 770

R. *v.* Appeal Tribunal, ex parte The Champion Paper and Fibre Co. [1956] R.P.C. 323, D.C. *Approved*, In re Baldwin and Francis Application [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010, C.A.

R. *v.* Ashman (1855) 1 F. & F. 88. *Considered*, Director of Public Prosecutions *v.* Smith [1960] 3 W.L.R. 546

R. *v.* Ballard (1916) 12 Cr.App.R. 1, C.C.A. *Applied*, R. *v.* Davies [1953] 1 Q.B. 489; [1953] 2 W.L.R. 304, C.C.A.

R. *v.* Balls (1871) L.R. 1 C.C.R. 328, C.C.R. *Followed*, R. *v.* Tomlin [1954] 2 Q.B. 274; [1954] 2 W.L.R. 1140, C.C.A.

R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1959] 2 Q.B. 276; [1959] 3 W.L.R. 96; [1959] 2 All E.R. 635, D.C. *Decision of the Divisional Court affirmed* [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Baskerville [1916] 2 K.B. 658, C.C.A. *Applied*, Davies *v.* Director of Public Prosecutions [1954] A.C. 378; [1954] 2 W.L.R. 343, H.L.

R. *v.* Bassey (1931) 47 T.L.R. 222, C.C.A. *Referred to*, R. *v.* Newland [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826, C.C.A. *Applied*, R. *v.* Potter [1958] 1 W.L.R. 638. *Followed*, Reg. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333

R. *v.* Bates and Russell [1952] 2 All E.R. 842. *Not followed*, R. *v.* Mackinnon [1959] 1 Q.B. 150; [1958] 3 W.L.R. 688

R *v.* Beard. *See* Director of Public Prosecutions *v.* Beard.

R. *v.* Bembridge (1783) 22 St.Tr. 1, 155. *Dictum of Lord Mansfield C.J. applied*, R. *v.* Hudson [1956] 2 Q.B. 252; [1956] 2 W.L.R. 914, C.C.A.

R. *v.* Benjamin (1913) 8 Cr.App.R. 146, C.C.A. *Considered*, Fox *v.* General Medical Council [1960] 1 W.L.R. 1017

R. *v.* Berry (1876) 1 Q.B.D. 447. *Applied*, R. *v.* Roberts [1954] 2 Q.B. 329; [1953] 3 W.L.R. 178

R. *v.* Bertrand (1867) L.R. 1 P.C. 520. *Followed and applied.* Attorney-General of Ceylon *v.* Kumarasinghege Don John Perera [1953] A.C. 200; [1953] 2 W.L.R. 238, P.C.

R. *v.* Biggin [1920] 1 K.B. 213; 36 T.L.R. 17, C.C.A. *Explained*, Regina *v.* Clark [1955] 2 Q.B. 469; [1955] 3 W.L.R. 313, C.C.A.

R. *v.* Birch (1924) 18 Cr.App.R. 26; 40 T.L.R. 365, C.C.A. *Applied*, R. *v.* Golder [1960] 1 W.L.R. 1169

R. *v.* Birmingham (West) Rent Tribunal. Ex parte Edgbaston Investment Trust [1951] 2 K.B. 54; [1951] 1 T.L.R. 77; [1951] 1 All E.R. 198. *Distinguished*, Elmdene Estates *v.* White [1960] A.C. 528; [1960] 2 W.L.R. 359

R. *v.* Blakemore (1948) 33 Cr.App.R. 49. *Disapproved*, R. *v.* McNally [1954] 1 W.L.R. 933, C.C.A.

R. *v.* Blane (1849) 13 Q.B. 769. *Followed*, O'Dea *v.* Tetau [1951] 1 K.B. 184; 66 T.L.R. (Pt. 2) 339; [1950] 2 All E.R. 695, D.C.

R. *v.* Board of Control, Ex parte Rutty [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822; [1956] 1 All E.R. 769, D.C. *Referred to*, Richardson *v.* London County Council [1957] 1 W.L.R. 752, C.A.

R. *v.* Bowen (1840) 9 C. & P. 509. *Considered*, R. *v.* Campbell [1959] 1 W.L.R. 646

R. *v.* Boycott, ex parte Keasley [1939] 2 K.B. 651; [1939] 2 All E.R. 626. *Distinguished*, R. *v.* St. Lawrence's Hospital Statutory Visitors, ex parte Pritchard [1953] 1 W.L.R. 1158, D.C.

R. *v.* Boysie Singh (1950) XI Tr. L.R. 17. *Considered*, Ramlochan *v.* The Queen [1956] A.C. 475; [1956] 3 W.L.R. 118, P.C.

R. *v.* Brailsford [1905] 2 K.B. 730; 21 T.L.R. 727, D.C. *Referred to*, R. *v.* Newland [1953] 3 W.L.R. 826. *Considered*, Joshua *v.* The Queen [1955] A.C. 121; [1955] 2 W.L.R. 8, P.C.

R. *v.* Brighton and Area Rent Tribunal, ex parte Marine Parade Estates (1936) [1950] 2 K.B. 410; 66 T.L.R. (Pt. 2) 9; [1950] 1 All E.R. 946, D.C. *Applied*, Regina *v.* Paddington North and St. Marylebone Rent Tribunal, ex parte Perry [1956] 1 Q.B. 229; [1955] 3 W.L.R. 744, D.C.

R. *v.* Brighton and Area Rent Tribunal, ex parte Slaughter [1954] 1 Q.B. 446; [1954] 2 W.L.R. 289; [1954] 1 All E.R. 423, D.C. *Applied*, R. *v.* York, etc., Rent Tribunal, ex parte Ingle [1954] 1 Q.B. 456; [1954] 2 W.L.R. 294, D.C.; Lever More *v.* Jobey [1956] 1 W.L.R. 698, C.A.

R. *v.* Brighton and Area Rent Tribunal, ex parte Slaughter [1954] 1 Q.B. 446; [1954] 2 W.L.R. 289; [1954] 1 All E.R. 423, D.C. *Considered*, City and Westminster Properties (1934) *v.* Mudd [1959] Ch. 129; [1958] 3 W.L.R. 312

R. *v.* Brixton Prison (Governor of). Ex parte De Demko [1958] 3 W.L.R. 624; sub nom. De Demko, In re [1958] 3 All E.R. 360. *Affirmed*, De Demko *v.* Home Secretary [1959] A.C. 654; [1959] 2 W.L.R. 231, H.L.

R. *v.* Brixton Prison (Governor of). Ex parte Savarkar [1910] 2 K.B. 1056; 26 T.L.R. 561. *Approved*, De Demko *v.* Home Secretary [1959] Ch. 654; [1959] 2 W.L.R. 231, H.L.

R. *v.* Brixton Prison (Governor of). Ex parte Percival [1907] 1 K.B. 696; 23 T.L.R. 238. *Applied*, R. *v.* Governor of Brixton Prison. Ex parte Shuter [1960] 1 Q.B. 89; [1959] 3 W.L.R. 603, D.C.

R. *v.* Brook [1949] 2 K.B. 138; 65 T.L.R. 273; [1949] 1 All E.R. 787, C.C.A. *Applied*, Regina *v.* Conver [1955] 1 W.L.R. 181

R. *v.* Browes, 65 T.L.R. 502; [1949] 2 All E.R. 449, C.C.A. *Applied*, R. *v.* Lloyd-Jones. Ex parte Thomas [1958] 1 W.L.R. 1110, D.C.

R. *v.* Browne (1906) 70 J.P. 472. *Considered*, R. *v.* Governor of Brixton Prison. Ex parte Caborn-Waterfield [1960] 2 Q.B. 498; [1960] 2 W.L.R. 792, 797

R. *v.* Browne [1907] 2 I.R. 505. *Disapproved*, Pentecost *v.* London District Auditor [1951] 2 K.B. 759; [1951] 2 T.L.R. 497; [1951] 2 All E.R. 330, D.C.

R. *v.* Caborn-Waterfield [1956] 2 Q.B. 379; [1956] 3 W.L.R. 277; [1956] 2 All E.R. 636, C.C.A. *Applied*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Cadogan (Earl of) [1915] 3 K.B. 485. *Considered*, Woods *v.* Wise [1955] 2 Q.B. 29; [1955] 2 W.L.R. 735, C.A.

R. *v.* Caernarvon Licensing JJ., ex parte Benson [1948] W.N. 505, D.C. *Distinguished*, R. *v.* Nailsworth Licensing JJ., ex parte Bird [1953] 1 W.L.R. 1046, D.C.

R. *v.* Camborne Justices, ex parte Pearce [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415; [1954] 2 All E.R. 850, D.C. *Applied*, Reg. *v.* Grimsby Borough Quarter Sessions, ex parte Fuller [1956] 1 Q.B. 36; [1955] 3 W.L.R. 564, D.C.; Reg. *v.* Registrar of Building Societies, ex parte A Building Society [1960] 1 W.L.R. 669

R. *v.* Campbell. Ex parte Nomikos [1956] 1 W.L.R. 622; [1956] 2 All E.R. 280; [1956] 1 Lloyd's Rep. 520, D.C. *Dicta of Lord Goddard C.J. applied*, R. *v.* Burnham, Bucks Justices. Ex parte Ansorge [1959] 1 W.L.R. 1041, D.C.

R. *v.* Campbell [1956] 2 Q.B. 432; [1956] 3 W.L.R. 219; [1956] 2 All E.R. 272. *Explained*, R. *v.* Chandor [1959] 1 Q.B. 545; [1959] 2 W.L.R. 522, C.C.A.

R. *v.* Canterbury (Archbishop) [1903] 1 K.B. 289; 72 L.J.K.B. 188; 88 L.T. 150; 19 T.L.R. 92; 51 W.R. 277, C.A. *Considered*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

R. *v.* Carpenter (1911) 22 Cox C.C. 618. *Applied*, R. *v.* Williams [1953] 1 Q.B. 660; 2 W.L.R. 937, C.C.A.

R. *v.* Carr-Briant [1943] K.B. 607; 59 T.L.R. 300; [1943] 2 All E.R. 156. *Applied*, R. *v.* Dunbar [1958] 1 Q.B. 36; [1957] 3 W.L.R. 331, C.C.A.

R. *v.* Charlson [1955] 1 W.L.R. 317; [1955] 1 All E.R. 859. *Distinguished*, Regina *v.* Kemp [1957] 1 Q.B. 399; [1956] 3 W.L.R. 724, 249

R. *v.* Clarke [1949] 2 All E.R. 448. *Applied*, R. *v.* Miller [1954] 2 Q.B. 282; [1954] 2 W.L.R. 138

R. *v.* Cockshott [1898] 1 Q.B. 582; 14 T.L.R. 264, D.C. *Applied*, R. *v.* Salisbury and Amesbury Justices, ex parte Greatbatch [1954] 2 Q.B. 142; [1954] 3 W.L.R. 29, D.C.

R. *v.* Cohen [1951] 1 K.B. 505; [1951] 1 T.L.R. 251; [1951] 1 All E.R. 203, C.C.A. *Applied*, Schneider *v.* Dawson [1960] 1 Q.B. 106; [1959] 3 W.L.R. 960. D.C.

R. *v.* Cohen and Bateman (1909) 2 Cr.App.R. 197. *Applied*, R. *v.* Abbott [1955] 2 Q.B. 497; [1955] 3 W.L.R. 369, C.C.A.

R. *v.* Cole (1889) 24 L.R.Ir. 522, C.C.R. *Considered*, Fox *v.* General Medical Council [1960] 1 W.L.R. 1017

R. *v.* Collins (1950) 34 Cr.App.R. 146. *Considered*, Regina *v.* Sparkes [1956] 1 W.L.R. 506, C.C.A.

R. *v.* Comptroller-General of Patents and Designs, ex parte Parke, Davis & Co. [1953] 2 W.L.R. 760; [1953] 1 All E.R. 862, D.C. *Affirmed* [1953] 2 Q.B. 48; [1953] 3 W.L.R. 40; [1953] 2 All E.R. 137, C.A. *Affirmed*, sub nom. Parke Davies & Co. *v.* Comptroller General of Patents, Designs and Trade Marks [1954] A.C. 321; [1954] 2 W.L.R. 531, H.L.

R. *v.* Coney (1882) 8 Q.B.D. 534, C.C.R. *Considered*, Bravery *v.* Bravery [1954] 1 W.L.R. 1169, C.A.

R. *v.* Cooper and Compton (1947) 32 Cr.App.R. 102. *Dicta of Sankey J. applied*, R. *v.* Dawson; R. *v.* Wenlock [1960] 1 W.L.R. 163

R. *v.* Cope (1921) 38 T.L.R. 243, C.C.A. *Applied*, R. *v.* Miskell [1954] 1 W.L.R. 438

R. *v.* Copestake, ex parte Wilkinson [1927] 1 K.B. 468, C.A. *Considered*, Dankbars, In re [1954] Ch. 98; [1953] 3 W.L.R. 957, C.A.

R. *v.* Corfield (1922) 128 L.T. 305, D.C. *Followed*, R. *v.* Godalming Licensing Committee, ex parte Knight [1955] 1 W.L.R. 600, D.C.

R. *v.* Cottrell [1956] 1 W.L.R. 70; [1955] 3 All E.R. 817. *Approved*, Regina *v.* Cottrell (No. 2) [1956] 1 W.L.R. 342, C.C.A.

R. *v.* County of London Quarter Sessions Appeals Committee, ex parte Rossi [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800; [1956] 1 All E.R. 670. *Observations of Denning L.J. considered and applied*, Beer *v.* Davies [1958] 2 Q.B. 187; [1958] 2 W.L.R. 920, D.C.

R. *v.* Cowle (1759) 2 Burr. 834, 853, 854. *Dicta of Lord Mansfield C.J. applied.* Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, 767, C.A.

R. *v.* Cowper (1890) 24 Q.B.D. 533; 6 T.L.R. 179, C.A. *Considered*, Goodman *v.* Eban (J.) [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581, C.A.

R. *v.* Craske. Ex parte Metropolitan Police Commissioner [1957] 2 Q.B. 591; [1957] 3 W.L.R. 308; [1957] 2 All E.R. 772. *Considered*, R. *v.* Bennett. Ex parte Radburn [1960] 1 W.L.R. 102

R. *v.* Crewe (Earl). Ex parte Sekgome [1910] 2 K.B. 576; 26 T.L.R. 439, C.A. *Considered*, Ex parte Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, 767, C.A.

R. *v.* Croydon and District Rent Tribunal. ex parte Langford Property Co. [1948] 1 K.B. 60, D.C. *Applied*, Penn *v.* Gatenex Co. [1958] 2 Q.B. 210; [1958] 2 W.L.R. 606, C.A.

R. *v.* Dacey, 55 T.L.R. 670; [1939] 2 All E.R. 641, C.C.A. *Overruled*, R. *v.* Hallam [1957] 1 Q.B. 569; [1957] 2 W.L.R. 521, C.C.A.

R. *v.* Daily Mail (Editor), ex parte Factor (1928) 44 T.L.R. 303, D.C. *Followed*, R. *v.* Evening Standard Co. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861, D.C.

R. *v.* Davies (1853) 3 C. & K. 328. *Overruled*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Davies [1954] 1 W.L.R. 214, C.C.A. *Affirmed*, Davies *v.* Director of Public Prosecutions [1954] A.C. 378; [1954] 2 W.L.R. 343, H.L.

R. *v.* Davies. Ex parte Delbert-Evans [1945] K.B. 435, 442, 443, 445; 61 T.L.R. 428; [1945] 2 All ER. 167, D.C. *Dicta of Humphreys and Oliver JJ. doubted*, R. *v.* Duffy. Ex parte Nash [1960] 2 Q.B. 188; [1960] 3 W.L.R. 320

R. *v.* Dawson [1960] 1 W.L.R. 163; [1960] 1 All E.R. 558, C.C.A. *Applied*, R. *v.* Davey [1960] 1 W.L.R. 1287

R. *v.* Day [1940] 1 All E.R. 402, C.C.A. *Distinguished*, Price *v.* Humphries [1958] 2 Q.B. 353; [1958] 3 W.L.R. 304, D.C.

R. *v.* Dent [1943] 2 All E.R. 596, C.L.A. *Explained*, Regina *v.* Campbell [1956] 2 Q.B. 432; [1956] 3 W.L.R. 219, C.C.A.

R. *v.* Devine [1956] 1 W.L.R. 236; [1956] 1 All E.R. 548. *Applied*, R. *v.* Chapman [1960] 1 W.L.R. 147

R. *v.* Dickson [1950] 1 K.B. 394; 65 T.L.R. 749; [1949] 2 All E.R. 810. *Explained*, R. *v.* Governor of Parkhurst Prison. Ex parte Philpot [1960] 1 W.L.R. 115

R. *v.* Doherty (1874) 13 Cox C.C. 23. *Dicta of Whiteside C.J. applied*, R. *v.* Smith [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623

R. *v.* Dolan [1907] 2 Ir. R. 260, 284. *Dictum of Palles C.B. applied*, Regina *v.* Odhams Press [1957] 1 Q.B. 73; [1956] 3 W.L.R. 797, D.C.

R. *v.* Donovan [1934] 2 K.B. 498; 50 T.L.R. 566, C.C.A. *Considered*, Bravery *v.* Bravery [1954] 1 W.L.R. 1169, C.A.

R. *v.* Dunn (1843) 1 C. & K. 730. *Considered*, Poole *v.* The Queen [1961] A.C. 223; [1960] 3 W.L.R. 770

R. *v.* Dyson (1831) Lew.C.C. 64; 7 C. & P. 305n. *Approved*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Eagleton (1855) Dears.C.C. 376, 515, C.C.R. *Applied*, Hope *v.* Brown [1954] 1 W.L.R. 250, D.C.

R. *v.* East Kerrier Justices, ex parte Mundy [1952] 2 Q.B. 719; [1952] 1 T.L.R. 1618; [1952] 2 All E.R. 144, D.C. *Applied* R. *v.* Barry (Glamorgan) Justices, ex parte Nagi Kashim [1953] 1 W.L.R. 1320. *Explained*, R. *v.* Welshpool Borough Justices, ex parte Holley [1953] 2 Q.B. 403; [1953] 3 W.L.R. 583, D.C.

R. *v.* Electricity Commissioners, ex parte London Electricity Joint Committee Co. (1920) [1924] 1 K.B. 171; 39 T.L.R. 715, C.A. *Referred to*, Nakkuda Ali *v.* Jayaratne [1951] A.C. 66; 66 T.L.R. (Pt. 2) 214, P.C. *Distinguished*, Harper *v.* Home Secretary [1955] Ch. 238; [1955] 2 W.L.R. 316, C.A.

R. *v.* Evans (1916) 12 Cr.App.R. 8, C.C.A. *Followed*, R. *v.* Melvin, R. *v.* Eden [1953] 1 Q.B. 481; [1953] 2 W.L.R. 274, C.C.A.

R. *v.* Evening Standard Co. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861; [1954] 1 All E.R. 1026, D.C. *Considered*, Alliance Perpetual Building Society *v.* Belrum Investments [1957] 1 W.L.R. 721

R. *v.* Farquhar (1874) L.R. 9 Q.B. 258. *Applied*, R. *v.* Woodbury Licensing Justices, Ex parte Rouse [1960] 1 W.L.R. 461

R. *v.* Federal Court of Bankruptcy, Ex parte Lowenstein (1939) 59 C.L.R. 556. *Considered*, Attorney-General for Australia *v.* The Queen [1957] A.C. 288; [1957] 2 W.L.R. 608, P.C.

R. *v.* Finkelstein and Truscovitch (1886) 16 Cox C.C. 107. *Followed*, Regina *v.* Owen [1956] 3 W.L.R. 740

R. *v.* Fisher (1875) 39 J.P. 612. *Followed*, Willey *v.* Peace [1951] 1 K.B. 94; 66 T.L.R. (Pt. 2) 450; [1950] 2 All E.R. 724, D.C.

R. *v.* Fleet (1779) Cald.Mag.Cas. 31. *Followed*, McDonald *v.* John Twiname [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347, C.A.

R. *v.* Flower (1956) 40 Cr.App.R. 189. *Considered*, R. *v.* Thomas [1957] 1 W.L.R. 1091, C.C.A.

R. *v.* Frances (1849) 4 Cox C.C. 57. *Applied*, R. *v.* Holmes [1953] 1 W.L.R. 686, C.C.A.

R. *v.* Franks (1950) 34 Cr.App.R. 222; [1950] 2 All E.R. 1172n., C.C.A. *Distinguished*, R. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99

R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal, ex parte Gormly [1952] 1 K.B. 179; [1951] 2 T.L.R. 1037; [1951] 2 All E.R. 1030. *Followed*, R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal, ex parte Hierowski [1953] 2 Q.B. 147; [1953] 2 W.L.R. 1028, D.C. *Considered*, De Jean *v.* Fletcher [1959] 1 W.L.R. 341, C.A.

R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal. Ex parte Hierowski [1953] 2 Q.B. 147; [1953] 2 W.L.R. 1028; [1953] 2 All E.R. 4, 6, D.C. *Dictum of Lord Goddard C.J. not followed*, R. *v.* Agricultural Land Tribunal for South Eastern Area. Ex parte Bracey [1960] 1 W.L.R. 911

R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal. Ex parte Marks [1951] 2 K.B. 694; [1951] 2 T.L.R. 359; [1951] 2 All E.R. 465, D.C. *Referred to*, R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal. Ex parte Gormly [1952] 1 K.B. 179; [1951] 2 T.L.R. 1037; [1951] 2 All E.R. 1030, D.C.

R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal, ex parte Zerek [1951] 2 K.B. 1; [1951] 1 T.L.R. 423; [1951] 1 All E.R. 482, D.C. *Applied*, Brown (Christopher) *v.* Genossenschaft Oesterreichischer [1954] 1 Q.B. 8; [1953] 3 W.L.R. 689

R. *v.* Gale (1876) 2 Q.B.D. 141, C.C.R. *Followed*, R. *v.* Davenport [1954] 1 W.L.R. 569, C.C.A.

R. *v.* Garland (1943) 29 Cr.App.R. 46n. *Approved*, R. *v.* Prater [1960] 2 Q.B. 464; [1960] 2 W.L.R. 343

R. *v.* Gazard (1838) 8 C. & P. 595. *Considered*, McKinley *v.* McKinley [1960] 1 W.L.R. 120, 122

R. *v.* General Medical Council [1930] 1 K.B. 562; sub nom. R. *v.* General Medical Council, ex parte Kynaston, 46 T.L.R. 197, C.A. *Distinguished*, Hughes *v.* Architects' Registration Council of the United Kingdom [1957] 2 Q.B. 550; [1957] 3 W.L.R. 120, D.C.

R. *v.* Gillyard (1848) 12 Q.B. 527. *Distinguished*, R. *v.* Ashford, Kent, Justices, ex parte Richley (No. 2) [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778, C.A.

R. *v.* Godinho (1950) 17 E.A.C.A. 132, 134. *Disapproved*, Kiriri Cotton Co. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127

R. *v.* Governor of Brixton Prison, ex parte Savarkar [1910] 2 K.B. 1056; 26 T.L.R. 561, C.A. *Applied*, R. *v.* Governor of Brixton Prison, ex parte De Demko [1959] 1 Q.B. 268; [1958] 3 W.L.R. 624, C.A.

R. *v.* Grant [1944] 2 All E.R. 311, C.C.A. *Not approved*, R. *v.* Norfolk Quarter Sessions, ex parte Brunson [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294, D.C.

R. *v.* Grant [1951] 1 K.B. 500; [1951] 1 All E.R. 28, C.C.A. *Applied*, R. *v.* Lloyd-Jones, ex parte Thomas [1958] 1 W.L.R. 1110, D.C.

R. *v.* Gray [1900] 2 Q.B. 36; 16 T.L.R. 305. *Applied*, Perera *v.* The King [1951] A.C. 482; [1951] 1 T.L.R. 829, P.C.; Izuora *v.* R. [1953] A.C. 327; [1953] 2 W.L.R. 700, P.C.

R. *v.* Greenwich County Court Judge and Moxon (1888) 5 T.L.R. 74, C.A. *Applied*, R. *v.* Judge Sir Shirley Worthington-Evans. Ex parte Madan [1959] 2 Q.B. 145; [1959] 2 W.L.R. 908, D.C.

R. *v.* Grimsby Borough Quarter Sessions, Ex parte Fuller [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563; [1955] 3 All E.R. 300, D.C. *Explained*, Practice Note (Appeals and Committals to Quarter Sessions) [1956] 1 Q.B. 451; [1956] 2 W.L.R. 681

R. *v.* Grubb (1945) 61 T.L.R. 288, C.C.A. *Considered*, Hastings, In re [1958] 1 W.L.R. 372, D.C.

R. *v.* Hackney, etc., Rent Tribunal. Ex parte Keats [1951] 2 K.B. 15n. *Distinguished and criticised*, R. *v.* Fulham, etc., Rent Tribunal. Ex parte Zerek [1951] 2 K.B. 1; [1951] 1 T.L.R. 423; [1951] 1 All E.R. 482, D.C.

R. *v.* Hammersley (1958) 42 Cr.App.R. 207. *Distinguished*, R. *v.* Dawson; R. *v.* Wenlock [1960] 1 W.L.R. 163

R. *v.* Hammersmith Superintendent Registrar of Marriages [1917] 1 K.B. 634; 33 T.L.R. 78, C.A. *Applied*, Maher *v.* Maher [1951] P. 342; [1951] 1 T.L.R. 1163; [1951] 2 All E.R. 37

R. *v.* Handsley (1881) 8 Q.B.D. 383. *Applied*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1959] 2 Q.B. 89; [1959] 3 W.L.R. 96, D.C.

R. *v.* Harborne (Inhabitants of) (1835) 2 Ad. & El. 540. *Applied*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954

R. *v.* Harden (1853) 2 E. & B. 188. *Applied*, Lea *v.* Moore [1955] 1 W.L.R. 38, C.A.

R. *v.* Hardy (1794) 24 State Tr. 199. *Dicta of Eyre C.J. applied*, Corke *v.* Corke and Cook [1958] P. 93; [1958] 2 W.L.R. 110, C.A.

R. *v.* Harris [1951] 1 K.B. 107; 66 T.L.R. (Pt. 2) 739; [1950] 2 All E.R. 816, C.C.A. *Applied*, Cassidy *v.* Cassidy [1959] 1 W.L.R. 1024, D.C.

R. *v.* Harris (1927) 20 Cr.App.R. 144, C.C.A. *Applied*, R. *v.* Golder [1960] 1 W.L.R. 1169

R. *v.* Harris [1927] 2 K.B. 587; 43 T.L.R. 774. *Considered*, Fallon *v.* Calvert [1960] 2 Q.B. 201; [1960] 2 W.L.R. 346, 348

R. *v.* Harvey (1858) 8 Cox C.C. 99. *Considered*, McKinley *v.* McKinley [1960] 1 W.L.R. 120, 123

R. *v.* Havant Justices. Ex parte Jacobs [1957] 1 W.L.R. 365; 41 Cr.App.R. 62; [1957] 1 All E.R. 475, D.C. *Distinguished*, R. *v.* Keeley [1960] 1 W.L.R. 749

R. *v.* Hertford College, Oxford (1878) 3 Q.B.D. 693. *Applied*, R. *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

R. *v.* Hertfordshire Justices [1845] 6 Q.B. 753. *Considered*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Hicklin (1868) L.R. 3 Q.B. 360. *Applied*, R. *v.* Martin Secker & Warburg [1954] 1 W.L.R. 1138

R. *v.* Hodgson (1856) Dears. & B. 3. *Considered*, R. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333, 340

R. *v.* Horry [1952] N.Z.L.R. 111. *Approved*, R. *v.* Onufrejczyk [1955] 1 Q.B. 388; [1955] 2 W.L.R. 273, C.C.A.

R. *v.* Hudson [1912] 2 K.B. 464; 28 T.L.R. 459. *Applied*, Regina *v.* Cook [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616, C.C.A.

R. *v.* Hudson [1943] 1 K.B. 458; 59 T.L.R. 250; [1943] 1 All E.R. 642, C.C.A. *Distinguished*, Moynes *v.* Coopper [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562, D.C. *Applied*, Russell *v.* Smith [1958] 1 Q.B. 27; [1957] 3 W.L.R. 516, D.C.

R. *v.* Hughes (1860) Bell C.C. 242, C.C.R. *Considered*, Surujpaul called Dick *v.* R. [1958] 1 W.L.R. 1050, P.C.

R. *v.* Humphrys and Others. Ex parte Ward [1914] 3 K.B. 1237; 30 T.L.R. 698, D.C. *Explained*, O'Dea *v.* Tetau [1951] 1 K.B. 184; 66 T.L.R. 339; [1950] 2 All E.R. 695, D.C.

R. *v.* Hurst, ex parte McCarthy. *See* R. *v.* Sussex Justices, ex parte McCarthy.

R. *v.* Hutchings (1881) 6 Q.B.D. 300. *Considered*, Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404

R. *v.* Hyde (1934) 24 Cr.App.R. 149, C.C.A. *Not followed*, R. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99

R. *v.* Income Tax Special Commissioners, ex parte Linsleys (Established 1894) [1956] 3 W.L.R. 854, sub nom. R. *v.* Special Commissioners of Income Tax, ex parte Lindleys (Established 1894) [1956] 3 All E.R. 577. *Affirmed* [1957] 2 Q.B. 78; [1957] 2 W.L.R. 655, C.A.

R. *v.* Income Tax Special Purposes Commissioners (1888) 21 Q.B.D. 313, *sub nom.* R. *v.* Income Tax Special Commissioners, Ex parte Cape Copper Mining Co., 4 T.L.R. 636, C.A. *Applied*, Heptulla Brothers *v.* Jambhai Jeshangbhai Thakore [1956] 1 W.L.R. 290

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R. *v.* Industrial Disputes Tribunal. Ex parte Courage & Co. Ltd. [1956] 1 W.L.R. 1062; [1956] 3 All E.R. 411. *Considered*, Beetham *v.* Trinidad Cement Ltd. [1960] A.C. 132; [1960] 2 W.L.R. 77, 84

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R. *v.* Industrial Disputes Tribunal, ex parte Technaloy [1953] 1 W.L.R. 1418; [1953] 2 All E.R. 1338, D.C. *Reversed* [1954] 2 Q.B. 46; [1954] 2 W.L.R. 932; [1954] 2 All E.R. 75, C.A. *Approving dicta of Romer L.J.*, R. *v.* Industrial Disputes Tribunal, ex parte Portland Urban District Council [1955] 1 W.L.R. 949, C.A.

R. *v.* Ingram [1956] 2 Q.B. 424; [1956] 3 W.L.R. 309; [1956] 2 All E.R. 639. *Considered*, R. *v.* Dawson [1960] 1 W.L.R. 163, 175

R. *v.* International Trustee for the Protection of Bondholders Aktiengesellschaft [1937] A.C. 500; 53 T.L.R. 507; [1937] 2 All E.R. 164, H.L. *Considered*, Bonython *v.* Commonwealth of Australia [1951] A.C. 201; 66 T.L.R. (Pt. 2) 969, P.C. *Referred to*, The Metamorphosis [1953] 1 W.L.R. 543. *Applied*, The Assunzione [1954] P. 150; [1954] 2 W.L.R. 234, C.A.

R *v.* Jackson [1891] 1 Q.B. 671; 7 T.L.R. 382, C.A. *Applied*, R. *v.* Miller [1954] 2 Q.B. 282; [1954] 2 W.L.R. 138

R. *v.* Jackson (1864) 9 Cox C.C. 505. *Considered*, Rogers *v.* Arnott [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73

R. *v.* Jefferson (1908) 24 T.L.R. 877. *Dictum of Darling J. doubted*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Jenkins (1945) 14 L.J.K.B. 425. *Applied*, R. *v.* Cook [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616, C.C.A.

R. *v.* Johnson (1913) 9 Cr.App.R. 262. *Considered*, R. *v.* Dawson; R. *v.* Wenlock [1960] 1 W.L.R. 163

R. *v.* Jones (1853) 6 Cox C.C. 467. *Overruled*, R. *v.* Dent [1955] 2 Q.B. 590; [1955] 3 W.L.R. 297, C.C.A.

R. *v.* Jones (1923) 87 J.P. 147; 39 T.L.R. 457, C.C.A. *Followed*, R. *v.* Clark [1955] 2 Q.B. 469; [1955] 3 W.L.R. 313, C.C.A.

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R. *v.* Jones [1949] 1 K.B. 194; 64 T.L.R. 616; [1948] 2 All E.R. 964, C.C.A. *Explained*, R. *v.* Davies [1953] 1 Q.B. 489; [1953] 2 W.L.R. 304, C.C.A.

R. *v.* Jordan (1956) 40 Cr.App.R. 152. *Distinguished*, R. *v.* Smith [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623

R. *v.* Judge Fraser Harrison, ex parte The Law Society [1955] 1 Q.B. 287; [1955] 2 W.L.R. 220; [1955] 1 All E.R. 270. *Applied*, Law Society *v.* Rushman [1955] 1 W.L.R. 681, C.A.

R. *v.* Judge Willis. Ex parte Abbey National Building Society [1954] 1 W.L.R. 136. *Applied*, Williams *v.* Settle [1960] 1 W.L.R. 1072

R. *v.* Kennedy [1893] 1 Q.B. 533, D.C. *Considered*, Holloway *v.* Dover Corporation [1960] 1 W.L.R. 604

R. *v.* Kent Justices (1873) L.R. 8 Q.B. 305. *Applied*, London County Council *v.* Agricultural Food Products; Same *v.* Vitamins [1955] 2 Q.B. 218; [1955] 2 W.L.R. 926, C.A.

R. *v.* Kilkenny Justices (1908) 42 I.L.T. 135. *Applied*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1959] 2 Q.B. 276; [1959] 3 W.L.R. 96, D.C.

R. *v.* Kohn (1864) 4 F. & F. 68. *Referred to*, R. *v.* Owen [1956] 3 W.L.R. 740. *Considered*, sub nom. Board of Trade *v.* Owen [1957] A.C. 602; [1957] 2 W.L.R. 351, H.L.

R. *v.* Kopsch (1925) 19 Cr.App.R. 50, C.C.A. *Considered*, Attorney-General for South Australia *v.* Brown [1960] A.C. 432; [1960] 2 W.L.R. 588

R. *v.* Kutz [1950] 1 K.B. 82; 65 T.L.R. 505; [1949] 2 All E.R. 406, C.C.A. *Applied*, R. *v.* Hepworth and Fearnley [1955] 2 Q.B. 600; [1955] 3 W.L.R. 331, C.C.A.

R. *v.* Kylsant (Lord) [1932] 1 K.B. 442; 48 T.L.R. 62, C.C.A. *Applied*, Curtis *v.* Chemical Cleaning and Dyeing Co. [1951] 1 K.B. 805; [1951] 1 T.L.R. 452; [1951] 1 All E.R. 631, C.A.

R. *v.* Lawson [1952] 1 T.L.R. 889; [1952] 1 All E.R. 804. *Approved*, R. *v.* Tomlin [1954] 2 Q.B. 274; [1954] 2 W.L.R. 1140, C.C.A.

R. *v.* Leake (1833) 5 B. & Ad. 469. *Applied*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 2 W.L.R. 429, 1023; [1957] 2 W.L.R. 1033, H.L.

R. *v.* Leatham (1861) 8 Cox C.C. 498. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C.

R. *v.* Legislative Committee of the Church Assembly [1928] 1 K.B. 411; 44 T.L.R. 68. *Referred to*, Nakkuda Ali *v.* Jayaratne [1951] A.C. 66; 66 T.L.R. (Pt. 2) 214, P.C.

R. *v.* Leon [1945] 1 K.B. 136; 61 T.L.R. 100. *Applied*, Regina *v.* Clucas. Regina *v.* O'Rourke [1959] 1 W.L.R. 244, C.C.A.

R. *v.* Liverpool Justices. Ex parte W. [1959] 1 W.L.R. 149; [1959] 1 All E.R. 337, D.C. *Distinguished*, In re J. S. (An Infant) [1959] 1 W.L.R. 1218

R. *v.* Lobell [1957] 1 Q.B. 547; [1957] 2 W.L.R. 524; [1957] 1 All E.R. 734. *Approved*, Joseph Bullard *v.* The Queen [1957] A.C. 635; [1957] 3 W.L.R. 656, P.C.

R. *v.* Local Government Board (1882) 10 Q.B.D. 309, C.A. *Applied*, R. *v.* Minister of Housing and Local Government, ex parte Finchley Borough Council [1955] 1 W.L.R. 29, D.C.

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R. *v.* Martin (1872) L.R. 1 C.C.R. 378, C.C.R. *Considered*, Karamat *v.* The Queen [1956] A.C. 256; [1956] 2 W.L.R. 413, P.C.; Tameshwar *v.* The Queen [1957] A.C. 476; [1957] 3 W.L.R. 157, P.C.

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R. *v.* Meyrick and Ribuffi (1929) 21 Cr.App.R. 94. *Distinguished*, R. *v.* Dawson; R. *v.* Wenlock [1960] 1 W.L.R. 163

R. *v.* Middlesex Justices, ex parte Bond [1933] 1 K.B. 72; 49 T.L.R. 18, D.C. *Distinguished*, Hickson *v.* Hickson [1953] 1 Q.B. 420; [1953] 2 W.L.R. 308, C.A.

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R. *v.* Mills [1939] 2 K.B. 90, 92; 55 T.L.R. 590; 27 Cr.App.R. 80; [1939] 2 All E.R. 299, C.C.A. *Dictum of Lord Hewart C.J. applied*, R. *v.* Davey [1960] 1 W.L.R. 1287

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R. *v.* Moore [1957] 1 W.L.R. 841; [1957] 2 All E.R. 703n. *Applied*, Regina *v.* Caddy [1959] 1 W.L.R. 868

R. *v.* Nat Bell Liquors [1922] 2 A.C. 128; 38 T.L.R. 541, P.C. *Applied*, Rex *v.* Northumberland Compensation Appeal Tribunal. Ex parte Shaw [1951] 1 K.B. 711; [1951] 1 T.L.R. 270; [1951] 1 All E.R. 268, D.C.; Davies *v.* Price [1958] 1 W.L.R. 434, C.A.

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R. *v.* Noel [1914] 3 K.B. 848, C.C.A. *Distinguished*, R. *v.* Maywhort [1955] 1 W.L.R. 849

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R. *v.* Oliver [1944] K.B. 68; 60 T.L.R. 82; [1943] 2 All E.R. 800, C.C.A. *Applied*, John *v.* Humphreys [1955] 1 W.L.R. 325, D.C.

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R. *v.* Owen [1956] 3 W.L.R. 252. *Reversed in part* [1956] 3 W.L.R. 739; [1956] 3 All E.R. 432, C.C.A. *Decision of Court of Criminal Appeal affirmed*, Board of Trade *v.* Owen [1957] A.C. 602; [1957] 2 W.L.R. 351, H.L.

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R. *v.* Parke [1903] 2 K.B. 432; 19 T.L.R. 627, D.C. *Applied*, R. *v.* Duffy. Ex parte Nash [1960] 2 Q.B. 188; [1960] 3 W.L.R. 320

R. *v.* Patents Appeal Tribunal. Ex parte Baldwin and Francis [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010; sub nom. Baldwin and Francis *v.* Patents Appeal Tribunal [1958] 2 All E.R. 368, C.A. *Decision of Court of Appeal affirmed* [1959] A.C. 663; [1959] 2 W.L.R. 826, H.L.

R. *v.* Payne [1896] 1 Q.B. 577; 12 T.L.R. 321, D.C. *Observations of Lord Russell and Wright J. explained*, R. *v.* Evening Standard Co. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861, D.C.; *Applied*, Reg. *v.* Duffy. Ex parte Nash [1960] 2 Q.B. 188; [1960] 3 W.L.R. 320

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R. *v.* Porter [1910] 1 K.B. 369; 26 T.L.R. 200, C.C.A. *Referred to*, R. *v.* Newland [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826, C.C.A.

R. *v.* Portugal (1885) 16 Q.B.D. 487; 2 T.L.R. 14, D.C. *Applied*, Cooray *v.* The Queen [1953] A.C. 407; [1953] 2 W.L.R. 965, P.C.

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R. *v.* Power [1919] 1 K.B. 572; 35 T.L.R. 283, C.C.A. *Distinguished*, R. *v.* Abbott [1955] 2 Q.B. 497; [1955] 3 W.L.R. 369, C.C.A.

R. *v.* Pratt (1870) L.R. 5 Q.B. 176. *Applied*, Farrant *v.* Farrant [1957] P. 188; [1957] 2 W.L.R. 135

R. *v.* Prince (1868) L.R. 1 C.C.R. 150. *Considered*, Moynes *v.* Coopper [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562, D.C.

R. *v.* Pritchard (1836) 7 C. & P. 303. *Approved*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Queen's County Justices [1908] 2 I.R. 285, 294. *Dictum of Lord O'Brien L.C.J. applied*, R. *v.* Grimsby Borough Quarter Sessions, ex parte Fuller [1956] 1 Q.B. 36; [1955] 3 W.L.R. 564, D.C.

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R. *v.* Rand (1866) L.R. 1 Q.B. 230. *Applied*, R. *v.* Camborne Justices. Ex parte Pearce [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415, D.C.; *Distinguished*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Recorder of Leicester [1947] K.B. 726; 63 T.L.R. 333; [1947] 1 All E.R. 928, D.C. *Distinguished*, R. *v.* Ashford, Kent, Justices, ex parte Richley (No. 2) [1956] 1 Q.B. 167; [1955] 3 W.L.R. 778, C.A.

R. *v.* Reeves (1859) 5 Jurist (N.S.). *Considered*, Rogers *v.* Arnott [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73

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R. *v.* Rivett (1950) 34 Cr.App.R. 87. *Considered*, Attorney-General for South Australia *v.* Brown [1960] A.C. 432; [1960] 2 W.L.R. 588

R. *v.* Roberts (1942) 58 T.L.R. 138; [1942] 1 All E.R. 187; 28 Cr.App.R. 102, C.C.A. *Considered*, Fox *v.* General Medical Council [1960] 3 W.L.R. 1017

R. *v.* Roberts [1954] 2 Q.B. 329; [1953] 3 W.L.R. 178; [1953] 2 All E.R. 340. *Not followed*, R. *v.* Benyon [1957] 2 Q.B. 111; [1957] 2 W.L.R. 956

R. *v.* Robinson [1917] 2 K.B. 108. *Not followed*, R. *v.* Thomas [1959] 1 W.L.R. 1086, C.C.A.

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R. *v.* Rowley [1948] 1 All E.R. 570, C.C.A. *Considered*, Surujpaul called Dick *v.* R. [1958] 1 W.L.R. 1050, P.C.

R. *v.* Rue (Rosa) (1876) 34 L.T. 400. *Dicta of Denman J. applied*, R. *v.* Smith [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623

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R. *v.* St. Mary Abbot's, Kensington (1840) 12 A. & E. 824. *Followed*, London Cemetery Co. *v.* Cundey [1953] 1 W.L.R. 786

R. *v.* St. Peters-on-the-Hill (1741) 2 Bott's Poor Laws 367. *Followed*, McDonald *v.* John Twiname [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347, C.A.

R. *v.* Seigley (1911) 6 Cr.App.R. 106, 107. *Dictum of Hamilton J. considered*, Fallon *v.* Calvert [1960] 2 Q.B. 201; [1960] 2 W.L.R. 346, 349

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R. *v.* Sharrock [1948] 1 All E.R. 145. *Not approved*, R. *v.* Norfolk Quarter Sessions, ex parte Brunson [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294, D.C.

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R. *v.* Sheridan [1937] 1 K.B. 223; 52 T.L.R. 626; [1936] 2 All E.R. 883, C.A. *Applied*, R. *v.* Campbell, ex parte Hoy [1953] 1 Q.B. 585; [1953] 2 W.L.R. 578

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R. *v.* Sidmouth Rent Tribunal, ex parte Sellek [1951] 1 K.B. 778; [1951] 1 T.L.R. 408; [1951] 1 All E.R. 107, D.C. *Not approved*, Temple *v.* National Mutual Life Assurance of Australasia [1955] 2 Q.B. 461; [1955] 3 W.L.R. 264, C.A.

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R. *v.* Stally [1960] 1 W.L.R. 79; [1959] 3 All E.R. 814, C.A. *Applied*, D. (An Infant) *v.* Parsons [1960] 1 W.L.R. 797

R. *v.* Steane [1947] K.B. 997; 63 T.L.R. 403; [1947] 1 All E.R. 813, C.C.A. *Dictum of Lord Goddard C.J. applied*, R. *v.* Smith [1960] 2 Q.B. 423; [1960] 3 W.L.R. 92. *Explained*, Director of Public Prosecutions *v.* Smith [1961] A.C. 290; [1960] 3 W.L.R. 546

R. *v.* Stratton (1779) 1 Doug.K.B. 239. *Considered*, Poole *v.* The Queen [1961] A.C. 223; [1960] 3 W.L.R. 770

R. *v.* Summers [1952] W.N. 185; [1952] 1 T.L.R. 1164; [1952] 1 All E.R. 1059, C.C.A. *Qualified*, R. *v.* Hepworth and Fearnley [1955] 2 Q.B. 600; [1955] 3 W.L.R. 331, C.C.A.

R. *v.* Sunderland Justices [1901] 2 K.B. 357; 17 T.L.R. 551, C.A. *Considered*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Surrey Quarter Sessions, ex parte Lilley [1951] 2 K.B. 749; [1951] 2 T.L.R. 546; [1951] 2 All E.R. 659, D.C. *Applied*, R. *v.* Lancaster Quarter Sessions, ex parte Huyton-with-Roby Urban District Council [1955] 1 Q.B. 52; [1954] 3 W.L.R. 597, D.C. *Considered*, R. *v.* Dorset Quarter Sessions Appeals Committee. Ex parte Weymouth Corpn. [1960] 2 Q.B. 230; [1960] 3 W.L.R. 66

R. *v.* Sussex Justices, ex parte McCarthy [1924] 1 K.B. 256; sub nom. R. *v.* Hurst, ex parte McCarthy, 40 T.L.R. 80, D.C. *Referred to*, R. *v.* Camborne Justices, ex parte Pearce [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415, D.C. *Applied*, Reg. *v.* Registrar of Building Societies. Ex parte A Building Society [1960] 1 W.L.R. 669; *Considered*, Reg. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers Association [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Swan (John) and Elizabeth Jefferys (1751) Foster's Crown Cases 104. *Considered*, Poole *v.* The Queen [1961] A.C. 223; [1960] 3 W.L.R. 770

R. *v.* Taylor, etc., JJ. and Laidler, ex parte Vogwill (1898) 14 T.L.R. 185, D.C. *Referred to*, R. *v.* Nailsworth Licensing Justices, ex parte Bird [1953] 1 W.L.R. 1046, D.C.

R. *v.* Taylor, R. *v.* Amendt [1915] 2 K.B. 593; sub nom. R. *v.* Taylor, ex parte Attorney-General, R. *v.* Amendt, ex parte Attorney-General, 31 T.L.R. 317, D.C. *Distinguished*, R. *v.* Godalming Licensing Committee, ex parte Knight [1955] 1 W.L.R. 600, D.C.

R. *v.* Tempest (1902) 86 L.T. 585; 18 T.L.R. 433. *Applied*, R. *v.* Barnsley Licensing Justices. Ex parte Barnsley and District Licensed Victuallers' Association [1960] 2 Q.B. 167; [1960] 3 W.L.R. 305

R. *v.* Thomas [1950] 1 K.B. 26; 65 T.L.R. 586; [1949] 2 All E.R. 662, C.C.A. *Considered,* R. *v.* Hogan [1960] 2 Q.B. 513; [1960] 3 W.L.R. 426

R. *v.* Thompson [1893] 2 Q.B. 12; 9 T.L.R. 435, C.C.R. *Referred to,* Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C.

R. *v.* Thompson [1914] 2 K.B. 99; 30 T.L.R. 233; 9 Cr.App.R. 252, C.C.A. *Applied,* R. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99

R. *v.* Thompson (1917) 33 T.L.R. 506; 12 Cr.App.R. 261. *Considered,* R. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333

R. *v.* Toshack (1849) 4 Cox C.C. 38; 1 Den.C.C. 492, C.C.R. *Applied,* Welham *v.* Director of Public Prosecutions [1960] 2 W.L.R. 669. *Considered,* sub nom. R. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333, 339

R. *v.* Treasury Lords Commissioners (1872) L.R. 7 Q.B. 387. *Distinguished,* Harper *v.* Home Secretary [1955] Ch. 238; [1955] 2 W.L.R. 316, C.A.

R. *v.* Turner [1910] 1 K.B. 346; 26 T.L.R. 112. *Applied,* R. *v.* Long [1960] 1 Q.B. 681; [1959] 3 W.L.R. 953, C.C.A.

R. *v.* Turton (1854) 6 Cox C.C. 385. *Approved,* R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

R. *v.* Tuttle (1929) 45 T.L.R. 357, C.C.A. *Distinguished,* R. *v.* Maywhort [1955] 1 W.L.R. 849

R. *v.* Vamplew (1862) 3 F. & F. 520. *Considered,* Director of Public Prosecutions *v.* Smith [1961] A.C. 290; [1960] 3 W.L.R. 546

R. *v.* Vickers [1957] 2 Q.B. 664; [1957] 3 W.L.R. 326; [1957] 2 All E.R. 741, C.C.A. *Overruled,* Director of Public Prosecutions *v.* Smith [1961] A.C. 290; [1960] 3 W.L.R. 546

R. *v.* Vine (1875) L.R. 10 Q.B. 195. *Applied,* In re A Solicitor's Clerk [1957] 1 W.L.R. 1220, D.C.

R. *v.* Vizzard, ex parte Hill (1934) 50 C.L.R. 30. *Disapproved,* Hughes and Vale Pty. *v.* State of N.S.W., Australian Commonwealth Interveners [1955] A.C. 241; [1954] 3 W.L.R. 824, P.C.

R. *v.* Voisin [1918] 1 K.B. 531; 34 T.L.R. 263, C.C.A. *Applied,* R. *v.* Bass [1953] 1 Q.B. 680; [1953] 2 W.L.R. 825, C.C.A.

R. *v.* Walhein (1952) 36 Cr.App.R. 167. *Dictum of Lord Goddard C.J. distinguished,* R. *v.* Davey [1960] 1 W.L.R. 1287

R. *v.* Waller [1910] 1 K.B. 364; 26 T.L.R. 142, C.C.A. *Applied,* Price *v.* Humphries [1958] 2 Q.B. 353; [1958] 3 W.L.R. 304, D.C.

R. *v.* Warburton (1870) L.R. 1 C.C.R. 274, C.C.R. *Referred to,* Regina *v.* Owen [1957] 1 Q.B. 174; [1956] 3 W.L.R. 740, C.C.A. *Considered,* sub nom. Board of Trade *v.* Owen [1957] A.C. 602; [1957] 2 W.L.R. 351, H.L.

R. *v.* Ward [1956] 1 Q.B. 351; [1956] 2 W.L.R. 423; [1956] 1 All E.R. 565, C.C.A. *Explained,* R. *v.* Smith [1960] 2 Q.B. 423; [1960] 3 W.L.R. 92. *Approved,* Director of Public Prosecutions *v.* Smith [1961] A.C. 290; [1960] 3 W.L.R. 546

R. *v.* Warnford (1825) 5 Dow. & Ry. K.B. 489. *Applied,* R. *v.* Medical Appeal Tribunal, ex parte Gilmore [1957] 1 Q.B. 574; [1957] 2 W.L.R. 499, C.A.

R. *v.* Warwickshire Justices (1856) 6 E. & B. 837. *Applied,* R. *v.* London Quarter Sessions. Ex parte Bowes [1951] 1 K.B. 383; 66 T.L.R. (Pt. 2) 804; [1950] 2 All E.R. 1043, D.C.

R. *v.* Welham [1960] 2 W.L.R. 333; [1960] 1 All E.R. 260, C.C.A. *Decision of the Court of Criminal Appeal affirmed,* Welham *v.* Director of Public Prosecutions [1961] A.C. 103; [1960] 2 W.L.R. 669

R. *v.* West Riding of Yorkshire County Council [1896] 2 Q.B. 386; 12 T.L.R. 454, D.C. *Followed,* Regina *v.* Flintshire County Council Licensing (Stage Plays) Committee. Ex parte Barrett [1956] 1 W.L.R. 1416, D.C.

R. *v.* Westbrook. Regina *v.* Everist (1847) 10 Q.B. 178. *Applied,* Trustees of Tollemache Settled Estates *v.* Coughtrie (Inspector of Taxes) [1959] 1 W.L.R. 900

R. *v.* White (1922) 17 Cr.App.R. 59, C.C.A. *Applied,* R. *v.* Golder [1960] 1 W.L.R. 1169

R. *v.* Whitmarsh (1850) 15 Q.B.D. 600. *Distinguished,* Trustees of the National Deposit Friendly Society *v.* Skegness Urban District Council [1957] 2 Q.B. 573; [1957] 3 W.L.R. 551, C.A.; [1959] A.C. 293; [1958] 3 W.L.R. 172, H.L.

R. *v.* Wilkes (1770) 19 St.Tr. 1075. *Applied,* R. *v.* Albury [1951] 1 K.B. 680; [1951] 1 T.L.R. 328; [1951] 1 All E.R. 491, C.C.A.

R. *v.* Willesden Justices. Ex parte Utley [1948] 1 K.B. 397; 64 T.L.R. 21; [1947] 2 All E.R. 838. *Applied,* R. *v.* Arundel Justices. Ex parte Jackson [1959] 2 Q.B. 89; [1959] 2 W.L.R. 798, D.C.

R. *v.* Woolf (1819) 2 B. & Ald. 609. *Applied,* Treasury *v.* Harris [1957] 2 Q.B. 516; [1957] 3 W.L.R. 13

Rabett *v.* Commissioner of Stamp Duties [1929] A.C. 444. *Explained,* Commissioner of Stamp Duties of New South Wales *v.* Way [1952] A.C. 95; [1951] 2 T.L.R. 123; [1952] 1 All E.R. 198, P.C.

Racecourse Betting Control Board *v.* Secretary of State for Air [1944] Ch. 114; 60 T.L.R. 147; [1944] 1 All E.R. 60, C.A. *Not followed,* R. *v.* Northumberland Compensation Appeal Tribunal. Ex parte Shaw [1951] 1 K.B. 711; [1951] 1 T.L.R. 270; [1951] 1 All E.R. 268, D.C.

Racecourse Betting Control Board *v.* Young (Inspector of Taxes) [1958] 1 W.L.R. 705; [1958] 2 All E.R. 385; [1958] 1 W.L.R. 122; [1958] 1 All E.R. 274. *Decision of Court of Appeal affirmed* [1959] 1 W.L.R. 813, H.L.

Radio Communication in Canada (the Regulation and Control of), In re [1932] A.C. 304; 48 T.L.R. 235, P.C. *Applied*, Attorney-General for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418, P.C.

Rahimtoola *v.* Nizam of Hyderabad [1958] A.C. 379; [1957] 3 W.L.R. 884; [1957] 3 All E.R. 441. *Considered*, Fischler *v.* Administrator of Roumanian Property [1960] 1 W.L.R. 917

Raleigh Cycle Co. Ltd. *v.* H. Miller & Co. Ltd. (1949) 66 R.P.C. 253. *Affirmed*, [1951] A.C. 278, H.L.

Ralli Brothers *v.* Compania Naviera Sota y Aznar [1920] 2 K.B. 287, *sub nom.* Sota y Aznar *v.* Ralli Brothers, 36 T.L.R. 456, C.A. *Considered*, Regazzoni *v.* K. C. Sethia (1944) [1956] 2 Q.B. 490; [1956] 2 W.L.R. 204

Ram Dutt Ramkissendass *v.* E. D. Sassoon & Co. (1929) 45 T.L.R. 205. *Dicta of Lord Salvesen applied*, Chandris *v.* Isbrandtsen-Moller Co. Inc. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 2) 358; [1950] 2 All E.R. 618, C.A.

Ramsay *v.* Blair (1876) 1 App.Cas. 701, H.L. *Dictum of Lord Hatherley applied*, Borys (Micheal) *v.* Canadian Pacific Railway Co. [1953] A.C. 217; [1953] 2 W.L.R. 224, P.C.

Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1956] P. 115; [1956] 3 W.L.R. 849; [1955] 3 All E.R. 695, C.A.; affirming [1955] 3 W.L.R. 188; [1955] 2 All E.R. 709

Ramsdale *v.* Ramsdale (1945) 173 L.T. 393. *Applied*, Roberts *v.* Roberts [1954] P. 472; [1953] 3 W.L.R. 863, D.C.

Ramsden *v.* Dyson (1866) L.R. 1 H.L. 129, 140. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C. *Applied*, Armstrong *v.* Sheppard & Short [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84, C.A.

Ramsden *v.* Ramsden [1954] 1 W.L.R. 1105; [1954] 2 All E.R. 623, D.C. *Dicta of Lord Merriman P. considered*, Storey *v.* Storey [1960] 3 W.L.R. 653

Rana Singhe *v.* Sirimanna (1946) 47 N.L.R. 112. *Considered*, Kanapathipillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Randall *v.* Randall [1939] P. 131; 55 T.L.R. 224; [1938] 4 All E.R. 696. *Applied*, Lock *v.* Lock [1958] 1 W.L.R. 1248. *Applied*, Whysall *v.* Whysall [1960] P. 52; [1959] 3 W.L.R. 592

Rathie *v.* Montreal Trust Co. and E. G. Pulp and Paper Co. (1953) 2 S.C.R. 204. *Distinguished*, In re Western Manufacturing (Reading) [1956] Ch. 436; [1956] 2 W.L.R. 438

Rattray *v.* Rattray (1897) 25 Rettie 315. *Referred to*, Kuruma *v.* The Queen [1955] A.C. 197; [1955] 2 W.L.R. 223, P.C.

Ray *v.* Newton [1913] 1 K.B. 249, C.A. *Applied*, Rutter *v.* Sheridan-Young [1958] 1 W.L.R. 444, C.A.

Ray's Will Trusts, In re [1936] Ch. 520; 52 T.L.R. 446; [1936] 2 All E.R. 93. *Considered*, Leahy *v.* Attorney-General (N.S.W.) [1959] A.C. 457; [1959] 2 W.L.R. 722, P.C.

Rayner, In re (1920) 89 L.J.Ch. 369. *Disapproved*, Oppenheim *v.* Tobacco Securities Trust Co. Ltd. [1951] A.C. 297; [1951] 1 T.L.R. 118; [1951] 1 All E.R. 31, H.L.

Rayner *v.* Preston (1881) 18 Ch.D. 1, C.A. *Applied*, In re Hamilton-Snowball's Conveyance [1959] Ch. 308; [1958] 2 W.L.R. 951

Rayson *v.* South London Tramways Co. [1893] 2 Q.B. 304; 9 T.L.R. 579, C.A. *Considered*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Razzel *v.* Snowball [1954] 1 W.L.R. 1382; [1954] 3 All E.R. 429, C.A. *Applied*, Mitchell and Edon (Inspectors of Taxes) *v.* Ross [1960] Ch. 145; [1959] 3 W.L.R. 550

Read *v.* Astoria Garage (Streatham) Ltd. [1952] 1 T.L.R. 1059; [1952] 1 All E.R. 922; [1952] Ch. 637; [1952] 2 T.L.R. 130; [1952] 2 All E.R. 292, C.A. *Considered*, Shindler *v.* Northern Raincoat Co. Ltd. [1960] 1 W.L.R. 1038

Read *v.* Bishop of Lincoln [1892] A.C. 644; 8 T.L.R. 763, P.C. *Considered*, In re St. Saviour's Church, Walthamstow [1951] P. 147; 66 T.L.R. (Pt. 2) 666; [1950] 2 All E.R. 812

Read *v.* Donovan [1947] K.B. 326, 327, 328; 65 T.L.R. 89; [1947] 1 All E.R. 37, D.C. *Dicta of Lord Goddard C.J. considered*, Moore *v.* Gooderham [1960] 1 W.L.R. 1308

Read *v.* Lyons (J.) & Co. [1947] A.C. 156; 62 T.L.R. 646; [1946] 2 All E.R. 471, H.L.; affirming [1945] K.B. 216. *Dictum of Lord Porter, applied*, Balfour *v.* Barty-King. Hyder and Sons (Builders). Third Parties [1956] 1 W.L.R. 780. *Considered*, Perry *v.* Kendricks Transport [1956] 1 W.L.R. 86, C.A. *Applied*, Behrens *v.* Bertram Mills Circus [1957] 2 Q.B. 1; [1957] 2 W.L.R. 405

Read *v.* Read [1942] P. 87; 58 T.L.R. 160; [1942] 1 All E.R. 226, C.A. *Considered*, Spalenkova *v.* Spalenkova [1954] P. 141 [1953] 3 W.L.R. 681

Reader *v.* South Eastern and Chatham Railway Co. and London and North Western Railway Co., Van Den Berghs *v.* Great Western Railway Co. (1921) 38 T.L.R. 14. *Considered*, W. Young and Son (Wholesale Fish Merchants) *v.* British Transport Commission [1955] 2 Q.B. 177; [1955] 2 W.L.R. 958

Readhead *v.* Midland Railway Co. (1869) L.R. 4 Q.B. 379, Ex.Ch. *Dicta of Montague Smith J. applied*, O'Connor *v.* British Transport Commission [1958] 1 W.L.R. 346, C.A.

Reading *v.* The King [1949] 2 K.B. 233; 65 T.L.R. 405; [1949] 2 All E.R. 68. *Affirmed*, sub nom. Reading *v.* Attorney-General [1951] A.C. 507; [1951] 1 T.L.R. 480; [1951] 1 All E.R. 617, H.L.

Reardon Smith Line *v.* Australian Wheat Board [1954] 2 Lloyd's Rep. 148. *Reversed* [1956] A.C. 266; [1956] 2 W.L.R. 404, P.C. *Not followed*, Compania Naviera Maropan S/A *v.* Bowaters Lloyd Pulp and Paper Mills [1954] 3 W.L.R. 894. Dissenting judgment of Dixon C.J. *approved and applied* (majority decision *not followed*), ibid. [1955] 2 Q.B. 68; [1955] 2 W.L.R. 998, C.A.

Reddaway *v.* Banham [1896] A.C. 199; 21 T.L.R. 295. *Dicta of Lord Herschell applied*, Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Reder *v.* Reder [1948] W.N. 238, C.A. *Applied*, Thynne *v.* Thynne [1955] 3 W.L.R. 108

Rederiaktiebolaget Transatlantic *v.* La Compagnie Française des Phosphates de l'Oceanie (1926) 32 Com.Cas. 126, C.A. *Distinguished*, Union of India *v.* Compania Naviera Aeolus S.A. [1960] 1 W.L.R. 297

Redfearn *v.* Somervail (1813) 5 Pat.App. 707. *Distinguished*, B. S. Lyle *v.* Rosher [1959] 1 W.L.R. 8, H.L.

Redfern *v.* Redfern [1891] P. 139; 7 T.L.R. 157, C.A. *Applied*, Hulbert *v.* Hulbert [1957] P. 174; [1957] 2 W.L.R. 809, C.A.

Redpath *v.* Belfast and County Down Railway [1947] N.I. 167. *Considered*, Peacock *v.* Amusement Equipment Co. [1954] 1 W.L.R. 803

Reed *v.* Braithwaite (1870) L.R. 11 Eq. 514. *Followed*, In re Noad, decd. [1951] Ch. 553; [1951] 1 T.L.R. 703; [1951] 1 All E.R. 467

Reed (A. E.) & Co. Ltd. *v.* Page, Son & East Ltd. [1927] 1 K.B. 743; 43 T.L.R. 272, C.A. *Applied*, Compagnie Algerienne de Meunerie *v.* Katana Societa di Navigatione Marittima, S.P.A. [1960] Q.B. 115; [1960] 2 W.L.R. 719

Reed (Dennis) Ltd. *v.* Goody [1950] 2 K.B. 277; 66 T.L.R. (Pt. 1) 918; [1950] 1 All E.R. 919. *Considered*, Ackroyd & Sons *v.* Hasan [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810, 815, 816

Rees *v.* Perrot (1830) 4 C. & P. 230. *Followed*, Egerton *v.* Rutter [1951] 1 K.B. 472; [1951] 1 T.L.R. 58

Rees *v.* Rees (1873) L.R. 3 P. & D. 84; 29 L.T. 375. *Applied*, In the Estate of Little, decd. [1960] 1 W.L.R. 495, 499

Rees' Will Trusts, In re, Williams *v.* Hopkins [1950] Ch. 204; 66 T.L.R. (Pt. 1) 23; [1949] 2 All E.R. 1003. *Distinguished*, In re Stirling, decd., Union Bank of Scotland *v.* Stirling [1954] 1 W.L.R. 763

Reeve, In re [1935] Ch. 110. *Referred to*, In re Young. Young *v.* Young [1951] Ch. 185

Reeves *v.* Deane-Freeman [1952] 2 T.L.R. 361; [1952] 2 All E.R. 506. *Affirmed* [1953] 1 Q.B. 459; [1953] 2 W.L.R. 391, C.A.

Reference re Constitutional Validity of Section 17 of the Alberta Act [1927] S.C.R. 364. *Approved*, Attorney-General for Saskatchewan *v.* Canadian Pacific Railway Co. [1953] A.C. 594; [1953] 3 W.L.R. 409, P.C.

Regazzoni *v.* Sethia (K. C.) (1944) [1957] 3 W.L.R. 752; [1957] 3 All E.R. 286, H.L.; affirming [1956] 2 Q.B. 490; [1956] 3 W.L.R. 79; [1956] 2 All E.R. 487; affirming [1956] 2 W.L.R. 204; [1956] 1 All E.R. 229. *Applied*, Emery *v.* Emery [1959] Ch. 410; [1959] 2 W.L.R. 461

Regis Property Co. *v.* Dudley [1958] 1 Q.B. 346; [1958] 2 W.L.R. 356; [1958] 1 All E.R. 510, H.L. *Decision of the Court of Appeal affirmed* [1958] 1 Q.B. 346; [1958] 3 W.L.R. 647, H.L.

Registrar of Trade Marks *v.* W. & G. Du Cros [1913] A.C. 624; 29 T.L.R. 772, H.L. *Referred to*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Regor Estates *v.* Wright [1951] 1 K.B. 689; [1951] 1 T.L.R. 242; [1951] 1 All E.R. 219, C.A. *Distinguished*, Woods *v.* Wise [1955] 2 Q.B. 29; [1955] 2 W.L.R. 735, C.A. *Observations of Cohen L.J. applied*, Samrose Properties *v.* Gibbard [1958] 1 W.L.R. 235, C.A.

Reichardt *v.* Shard (1914) 31 T.L.R. 24, C.A. *Applied*, Trust Co. *v.* De Silva [1956] 1 W.L.R. 377, P.C.

Reid *v.* Bolton (Thomas) & Sons [1958] 1 W.L.R. 266; [1958] 1 All E.R. 465. *Considered*, Allott *v.* Wagon Repairers. Rutherford *v.* B.O.A.C. [1959] 1 W.L.R. 384, C.A.

Reid *v.* Cupper [1915] 2 K.B. 147; 31 T.L.R. 103, C.A. *Applied*, In re A Debtor, No. 21 of 1950 (No. 2) [1951] Ch. 612; [1951] 1 All E.R. 600, D.C.

Reid *v.* Dawson [1955] 1 Q.B. 214; [1954] 3 W.L.R. 810; [1954] 3 All E.R. 498, C.A. *Referred to*, Scene Estate *v.* Amos [1957] 2 Q.B. 205; [1957] 2 W.L.R. 1017, C.A.

Reidar, A/S *v.* Arcos Ltd. [1927] 1 K.B. 352. *Explained*, Chandris *v.* Isbrandtsen-Moller Co. Inc. [1951] 1 K.B. 240; 66 T.L.R. (Pt. 2) 358; [1950] 2 All E.R. 618, C.A.

Reigate *v.* Union Manufacturing (Ramsbottom) Co. Ltd. [1918] 1 K.B. 592, 605, C.A. *Applied*, Orman *v.* Saville Sportswear Ltd. [1960] 1 W.L.R. 1055

Reilly *v.* British Transport Commission [1957] 1 W.L.R. 76; [1956] 3 All E.R. 857. *Decision of Donovan J. approved*, Cade *v.* British Transport Commission [1957] 1 W.L.R. 947, C.A. *Dictum of Donovan J. approved*, Cade *v.* British Transport Commission [1959] A.C. 256; [1958] 3 W.L.R. 118, H.L.

Reinbeck, The (1889) 60 L.T. 209, C.A. *Distinguished*, The Marinero [1955] P. 68; [1955] 2 W.L.R. 607

Reischer *v.* Borwick [1894] 2 Q.B. 548; 10 T.L.R. 568, C.A. *Considered*, West Wake Price & Co. *v.* Ching [1957] 1 W.L.R. 45

Remmington *v.* Larchin [1921] 3 K.B. 404; 37 T.L.R. 839. *Considered*, Elmdene Estates *v* White [1960] A.C. 528; [1960] 2 W.L.R. 359

Remon *v.* City of London Real Property Co. Ltd. [1921] 1 K.B. 49; 36 T.L.R. 869. *Distinguished*, John M. Brown Ltd. *v.* Bestwick [1951] 1 K.B. 21; 66 T.L.R. (Pt. 2) 248; [1950] 2 All E.R. 338, C.A.

Renton (G. H.) & Co. *v.* Palmyra Trading Corporation of Panama [1957] A.C. 149; [1957] 2 W.L.R. 45; [1956] 3 All E.R. 957, H.L.; affirming [1956] 1 Q.B. 462; [1956] 2 W.L.R. 232; [1956] 1 All E.R. 209. *Applied*, Sze Hai Tong Bank *v.* Rambler Cycle Co. [1959] A.C. 576; [1959] 3 W.L.R. 214, P.C. *Considered*, Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 W.L.R. 509; Goulandris Bros. *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 598; Adamastos Shipping Co. *v.* Anglo-Saxon Petroleum Co. [1959] A.C. 133; [1958] 2 W.L.R. 688, H.L.

Reohorn *v.* Barry Corporation [1956] 1 W.L.R. 845; [1956] 2 All E.R. 742, C.A. *Considered and distinguished*, Fleet Electrics *v.* Jacey Investments [1956] 1 W.L.R. 1028, C.A. *Considered*, Wine Shippers (London) Ltd. *v.* Bath Syndicate Ltd. [1960] 1 W.L.R. 613

Répertoire Opera Co., In re (1895) 2 Mans. 314. *Dictum of Vaughan Williams J. questioned*, In re T. W. Construction [1954] 1 W.L.R. 540

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Rhagg, In re [1938] Ch. 828; 54 T.L.R. 990; [1938] 3 All E.R. 314. *Applied, and dictum of Simonds J. followed*, In re White, decd., McCann *v.* Hull [1958] Ch. 762; [1958] 2 W.L.R. 464

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Rider *v.* Ford [1923] 1 Ch. 541. *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R. 862

Ridley *v.* Lee [1935] Ch. 591; 51 T.L.R. 364. *Applied*, In re Pinewood Estate, Farnborough [1958] Ch. 280; [1957] 3 W.L.R. 257

Rigby *v.* Rigby [1944] P. 33; 60 T.L.R. 238; [1944] 1 All E.R. 336, C.A. *Applied*, Trathan *v.* Trathan [1955] 1 W.L.R. 805, D.C.

Riley *v.* Baxendale (1861) 6 H. & N. 445. *Not followed*, Matthews *v.* Kuwait Bechtel Corporation [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702, C.A.

Riley *v.* Holland (William) & Sons [1911] 1 K.B. 1029; 27 T.L.R. 327, C.A. *Considered*, Staton *v.* National Coal Board [1957] 1 W.L.R. 893

Rimmer *v.* Rimmer [1953] 1 Q.B. 63; [1952] 2 T.L.R. 767; [1952] 2 All E.R. 863, C.A. *Applied*. Cohen, decd., In re, National Provincial Bank *v.* Katz [1953] Ch. 88; [1953] 1 W.L.R. 303; Cobb *v.* Cobb [1955] 1 W.L.R. 731, C.A.; Fribance *v.* Fribance (No. 2) [1957] 1 W.L.R. 384, C.A. *Distinguished*, Tunstall *v.* Tunstall [1953] 1 W.L.R. 770, C.A.; Silver *v.* Silver [1958] 1 W.L.R. 259, C.A.; Richards *v.* Richards [1958] 1 W.L.R. 1116, C.A.; Gage *v.* King [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460

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Ritz Cleaners *v.* West Middlesex Assessment Committee [1937] 2 K.B. 642; 53 T.L.R. 588; [1937] 2 All E.R. 368, C.A. *Applied*, Dolton Bournes & Dolton *v.* Osmond (Valuation Officer) [1955] 1 W.L.R. 621, C.A. *Distinguished*, Almond *v.* Heathfield Laundry (Birmingham) Ltd. [1960] 1 W.L.R. 1339

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Roach *v.* Trood (1876) 3 Ch.D. 429, C.A. *Applied*, In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

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Robertson, Ex parte (1875) L.R. 20 Eq. 733. *Applied*, Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A.

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Robertson *v.* Cilia [1956] 1 W.L.R. 1502; [1956] 3 All E.R. 651. *Applied*, Braithwaite *v.* Winwood [1960] 1 W.L.R. 1257

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Robin Hood Mills *v.* Paterson Steamships (1937) 81 S.J. 569; sub nom. Paterson Steamships *v.* Robin Hood Mills (1937) 58 Ll.L.Rep. 33. *Applied*, Maxine Footwear Co. *v.* Canadian Government Merchant Marine [1959] A.C. 589; [1959] 3 W.L.R. 232, P.C.

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Rodwell v. Thomas [1944] 1 K.B. 596; 60 T.L.R. 431; [1944] 1 All E.R. 700. *Dicta of Tucker J. applied*, Riordan v. War Office [1959] 1 W.L.R. 1046

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Roger's Question, In re [1948] 1 All E.R. 328, C.A. *Applied*, Jones v. Maynard [1951] Ch. 572; [1951] 1 T.L.R. 700; [1951] 1 All E.R. 802

Rogers v. Hyde [1951] 2 K.B. 923; [1951] 2 All E.R. 79. *Considered*, Collins v. Claughton [1959] 1 W.L.R. 145, C.A.

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Rowland *v.* Divall [1923] 2 K.B. 500, C.A. *Applied*, Butterworth *v.* Kingsway Motors [1954] 1 W.L.R. 1286

Rowland *v.* Gorsuch (1789) 2 Cox Eq.Cas. 187. *Distinguished*, In re Kilvert, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

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Roy *v.* Kloepfer Wholesale Hardware and Automotive Co. Ltd. [1952] 2 S.C.R.(Can.) 465. *Applied*, Hasham *v.* Zenab [1960] A.C. 316; [1960] 2 W.L.R. 374

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Royal Choral Society *v.* Inland Revenue Commissioners [1943] 2 All E.R. 101, C.A. *Followed*, In re Town and Country Planning Act, 1947. Crystal Palace Trustees *v.* Minister of Town and Country Planning [1951] Ch. 132; 66 T.L.R. (Pt. 2) 753; [1950] 2 All E.R. 857. *Applied*, In re Levien [1955] 1 W.L.R. 965, C.A.; In re Delius, decd. Emanuel *v.* Rosen [1957] Ch. 299; [1957] 2 W.L.R. 549. *Referred to*, Associated Artists *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 752

Royal College of Music *v.* Westminster Vestry [1898] 1 Q.B. 809; 14 T.L.R. 351, C.A. *Considered*, O'Sullivan *v.* English Folk Dance and Song Society [1955] 1 W.L.R. 908, C.A.

Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 95; [1958] 1 All E.R. 129, D.C. *Decision of Divisional Court affirmed* [1959] 1 W.L.R. 1077, C.A.

Royal College of Surgeons of England, In re [1899] 1 Q.B. 871; 15 T.L.R. 317, C.A. *Distinguished*, In re Bland-Sutton, decd. National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; 66 T.L.R. 519; [1950] 2 All E.R. 466. *Followed*, In re Bland-Sutton's Will Trusts [1951] Ch. 485; [1951] 1 T.L.R. 629; [1951] 1 All E.R. 494, C.A.

Royal College of Surgeons of England *v.* National Provincial Bank [1952] A.C. 631; [1952] 1 T.L.R. 978; [1952] 1 All E.R. 984, H.L. *Distinguished*, Institute of Fuel *v.* Morley and St. Marylebone Metropolitan Borough Council [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157, C.A. *Applied*, Royal College of Nursing *v.* St. Marylebone Borough Council [1959] 1 W.L.R. 1077, C.A.; Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48

Royal Crown Derby Porcelain Co. Ltd. *v.* Raymond Russell [1949] 2 K.B. 417; [1949] 1 All E.R. 749, C.A. *Dictum of Denning L.J. applied*, In re Power's Settlement Trusts [1951] Ch. 1074; [1951] 2 T.L.R. 355; [1951] 2 All E.R. 513, C.A. *Applied*, Dun *v.* Dun [1959] A.C. 272; [1959] 2 W.L.R. 554, P.C.

Royal Exchange Assurance *v.* The Liquidator. *See* In re Banque des Marchands de Moscou (Koupetschesky).

Royal Exchange Assurance Corporation *v.* Walker. *See* In re Walker's Settlement.

Royal London Mutual Insurance Society Ltd. *v.* Hendon Borough Council (1958) 51 R. & I.T. 285, D.C. *Distinguished*, Parker *v.* Ealing Borough Council [1960] 1 W.L.R. 1398

Royal Sydney Golf Club *v.* Federal Commissioner of Taxation (1955) 91 C.L.R. 610. *Considered*, Gollan *v.* Randwick Municipal Council [1961] A.C. 82; [1960] 3 W.L.R. 785

Royal Victoria Hospital *v.* London Guarantee and Accident Corporation [1937] N.I. 64. *Applied*, Barnet Group Hospital Management Committee *v.* Eagle Star Insurance Co. [1960] 1 Q.B. 107; [1959] 3 W.L.R. 610

Royce, In re, Turner *v.* Wormald [1940] Ch. 514; 56 T.L.R. 540; [1940] 2 All E.R. 291. *Applied*, In re Raine, decd. Walton *v.* Attorney-General [1956] Ch. 417; [1956] 2 W.L.R. 450

Royce's Will Trusts, In re. Tildesley *v.* Tildesley [1959] Ch. 191; [1958] 3 W.L.R. 676; [1958] 3 All E.R. 586. *Decision of Wynn-Parry J. reversed* [1959] Ch. 626; [1959] 3 W.L.R. 254, C.A.

Rubin *v.* Botha [1911] S.A.L.R., A.D. 568. *Applied*, Hassanally *v.* Cassim [1960] 2 W.L.R. 607

Rudd *v.* Rudd [1924] P. 72. *Distinguished*, Maher *v.* Maher [1951] P. 342; [1951] 1 T.L.R. 1163; [1951] 2 All E.R. 37. *Considered*, Igra *v.* Igra [1951] P. 404; [1951] 2 T.L.R. 670

Ruding *v.* Smith (1821) 2 Hag.Con. 371. *Applied*, Holdowanski *v.* Holdowanska (orse. Bialoszewska) and Price [1957] P. 301; [1956] 3 W.L.R. 936. *Considered*, Taczanowska (orse. Roth) *v.* Taczanowski [1957] P. 301; [1957] 3 W.L.R. 143, C.A.

Rudow *v.* Great Britain Mutual Life Assurance Society (1881) 17 Ch.D. 600, 607, 610. *Explained*, Mayer *v.* Harte [1960] 1 W.L.R. 770

Rumball, decd., In re. Sherlock *v.* Allan [1956] Ch. 105; [1955] 1 W.L.R. 1037; [1955] 3 All E.R. 71, C.A. *Distinguished*, In re Endacott, decd. [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Rush *v.* Higgs (1799) 4 Ves. Jun 638. *Considered*, In re Bradley, decd. Bradley *v.* Barclay's Bank [1956] Ch. 615; [1956] 3 W.L.R. 610

Rushton *v.* National Coal Board [1953] 1 Q.B. 495; [1953] 1 W.L.R. 292; [1953] 1 All E.R. 314, C.A. *Applied*, Waldon *v.* War Office [1956] 1 W.L.R. 51, C.A.

Russell, In re (1882) 19 Ch.D. 432. *Applied*, In re Quibell, decd. [1957] 1 W.L.R. 186

Russell *v.* Attorney-General [1949] P. 391; 65 T.L.R. 369. *Distinguished*, Gatty (F. A.) and Gatty (P. V.) *v.* Attorney-General [1951] P. 444; [1951] 2 T.L.R. 599

Russell *v.* H.M. Advocate, 1946 S.C.(J.) 37. *Approved*, R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

Russell *v.* Men of Devon (1788) 2 Term Rep. 667. *Applied*, Macfarlane *v.* Gwalter [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268, C.A.

Russell *v.* Norfolk (Duke of) (1948) 65 T.L.R. 225; [1949] 1 All E.R. 109, C.A. *Dictum of Tucker L.J. applied*, Davis *v.* Carew Pole [1956] 1 W.L.R. 834. *Considered*, Ceylon University *v.* Fernando [1960] 1 W.L.R. 223, 231. *Applied*, Byrne *v.* Kinematograph Renters Co. [1958] 1 W.L.R. 762

Russell *v.* Russell [1895] P. 315; 11 T.L.R. 579, C.A.; on appeal [1897] A.C. 395; 13 T.L.R. 516, H.L. *Considered*, Dyson *v.* Dyson [1954] P. 198; [1953] 3 W.L.R. 1141. *Distinguished*, Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 802, C.A.

Russell *v.* Russell [1935] P. 39; 51 T.L.R. 173. *Considered*, N. *v.* N. and L. [1957] 2 W.L.R. 798

Russell *v.* Scott [1948] A.C. 422; 64 T.L.R. 297; [1948] 2 All E.R. 1. *Followed*, Trustees of Tollemache Settled Estates *v.* Coughtrie (Inspector of Taxes) [1959] 1 W.L.R. 900

Russell *v.* Town & County Bank (1888) 13 App. Cas. 418; 4 T.L.R. 500, H.L. *Referred to*, Minister of National Revenue *v.* Anaconda American Brass [1956] A.C. 85; [1956] 2 W.L.R. 32, P.C.

Russell *v.* Wakefield Waterworks Co. (1875) L.R. 20 Eq. 474. *Considered*, Pavlides *v.* Jensen [1956] Ch. 565; [1956] 3 W.L.R. 224

Russian and English Bank, In re [1932] 1 Ch. 663; 48 T.L.R. 282. *Applied*, Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A.

Russian and English Bank *v.* Baring Bros. & Co. [1932] 1 Ch. 435; 48 T.L.R. 193. *Applied*. In re Russian Commercial and Industrial Bank [1955] Ch. 148; [1955] 2 W.L.R. 62

Russian and English Bank and Florance Montefiore Guedalla *v.* Baring Bros. & Co. [1936] A.C. 405; 52 T.L.R. 393; [1936] 1 All E.R. 505, H.L. *Applied*, Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A.; In re Azoff-Don Commercial Bank [1954] Ch. 315; [1954] 2 W.L.R. 654; In re Russian Commercial Bank [1955] Ch. 148; [1955] 2 W.L.R. 62. *Considered*, In re Banque des Marchands de Moscou (Koupetschesky) [1958] Ch. 182; [1957] 3 W.L.R. 638; Adams *v.* National Bank of Greece S.A. [1960] 1 Q.B. 64; [1960] 3 W.L.R. 8

Russian Bank for Foreign Trade, In re [1933] Ch. 745; 49 T.L.R. 253. *Applied*, In re Banque des Marchands de Moscou (Keupetschesky) (No. 2) [1954] 1 W.L.R. 1108

Russian Bank for Foreign Trade *v.* Excess Insurance Co. [1918] 2 K.B. 123; 34 T.L.R. 383. *Considered*, Atlantic Maritime Co. Inc. *v.* Gibbon [1954] 1 Q.B. 105; [1953] 3 W.L.R. 714, C.A.

Ruther *v.* Ruther [1903] 2 K.B. 270. *Criticized*, R. *v.* Miskin Lower, Glamorganshire Justices. Ex parte Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409, D.C. *Applied*, Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 849, C.A.

Rutherford *v.* Acton-Adams [1915] A.C. 866, P.C. *Applied*, Watson *v.* Burton [1957] 1 W.L.R. 20

Rutherford *v.* Glanville (R. E.) & Sons (Bovey Tracey), Ltd. [1958] 1 W.L.R. 415; [1958] 1 All E.R. 532, C.A. *Considered*, Close *v.* Steel Co. of Wales Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401

Rutherford *v.* Richardson [1923] A.C. 1; 39 T.L.R. 42, H.L. *Dictum of Lord Birkenhead L.C. explained*, Dennis *v.* Dennis (Spillett cited) [1955] P. 153; [1955] 2 W.L.R. 817. *Dictum of Lord Birkenhead L.C. applied*, Woodard *v.* Woodard and Curd [1959] 1 W.L.R. 493, C.A.

Rutherford *v.* Rutherford [1922] P. 144, C.A. *Considered*, Woodard *v.* Woodard and Curd [1959] 1 W.L.R. 493, C.A.

Ryall *v.* Rowles (1750) 1 Ves.Sen. 348. *Applied*, Prince Ernest of Hanover *v.* Attorney-General [1955] Ch. 440; [1955] 2 W.L.R. 614

Rylands *v.* Fletcher (1868) L.R. 3 H.L. 330, H.L. *Discussed*, Smeaton *v.* Ilford Corporation [1954] Ch. 450; [1954] 2 W.L.R. 668. *Applied*, A. Prosser & Son *v.* Levy [1955] 1 W.L.R. 1225, C.A.; Balfour *v.* Barty-King. Hyder and Sons (Builders) (Third Parties) [1956] 1 W.L.R. 780; Perry *v.* Kendricks Transport [1956] 1 W.L.R. 85, C.A.; Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Rymer, In re [1895] 1 Ch. 19, C.A. *Considered*, In re Dawson's Will Trusts. National Provincial Bank *v.* National Council of the Y.M.C.A. Incorporated [1957] 1 W.L.R. 392

S. *v.* S. (orse C.) [1956] P. 1; [1955] 2 W.L.R. 246; [1954] 3 All E.R. 736. *Distinguished*, M. *v.* M. (orse. B.) [1957] P. 139; [1956] 3 W.L.R. 975

S. A. Maritime et Commerciale of Geneva *v.* Anglo-Iranian Oil Co. [1953] 1 W.L.R. 1379. *Affirmed* [1954] 1 W.L.R. 492, C.A.

S.S. Induna Co. *v.* British Phosphate Commissioners [1949] 2 K.B. 430; 65 T.L.R. 149; [1949] 1 All E.R. 522. *Applied*, Compania Crystal De Vapores of Panama *v.* Herman & Mohatta (India) [1958] 2 Q.B.196; [1958] 3 W.L.R. 36

Sabatier *v.* Trading Co. [1927] 1 Ch. 495. *Distinguished*, Deverall *v.* Grant Advertising Inc. [1955] Ch. 111; [1954] 3 W.L.R. 688, C.A.

Safadi *v.* Western Assurance (1933) 46 Ll.L.Rep. 140. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Saffery *v.* Mayer [1901] 1 K.B. 11; 17 T.L.R. 15, C.A. *Considered*, MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240, C.A.

Safford *v.* Safford [1944] P. 61; 60 T.L.R. 439; [1944] 1 All E.R. 704, C.A. *Considered*, Swymer *v.* Swymer [1955] P. 11; [1954] 3 W.L.R. 803, C.A.

St. Aubyn *v.* Attorney-General [1952] A.C. 15; [1951] 2 All E.R. 473, H.L. *Referred to*, Oakes *v.* Commissioner of Stamp Duties of New South Wales [1954] A.C. 57; [1953] 3 W.L.R. 1127, P.C. *Considered*, Barclays Bank Ltd. *v.* Inland Revenue Commissioners [1960] 3 W.L.R. 280

St. Hilary, Cornwall, In re, Roffe-Silvester *v.* King [1939] P. 64; 55 T.L.R. 33; [1938] 4 All E.R. 147. *Applied*, St. John the Divine, Richmond, In re [1953] P. 155; [1953] 2 W.L.R. 921

St. James' and Pall Mall Electric Light Co. *v.* Westminster Assessment Committee [1934] A.C. 33; 50 T.L.R. 75, H.L. *Followed*, Lee *v.* Mid-Northamptonshire Water Board [1956] 2 Q.B. 55; [1956] 2 W.L.R. 1013, C.A. *Applied*, sub nom. Mid-Northamptonshire Water Board *v.* Lee [1958] A.C. 68; [1957] 2 W.L.R. 881, H.L.

St. James's Evening Post Case (1742) 2 Atk. 469. *Followed*, R. *v.* Evening Standard Co. [1954] 1 Q.B. 578; [1954] 2 W.L.R. 861, D.C.

St. John's College, Cambridge *v.* Todington (1757) 1 Burt. 158. *Considered*, R. *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

St. John's College Trust Board *v.* Auckland Education Board [1945] N.Z.L.R. 507. *Wrongly decided*, Maori Trustee *v.* Ministry of Works [1959] A.C. 1; [1958] 3 W.L.R. 536, P.C.

St. Margaret's, Toxteth Park (1924) 40 T.L.R. 687. *Followed*, In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129

St. Mark's Church, Lincoln, *In re* [1956] P. 166; [1955] 3 W.L.R. 844; [1955] 3 All E.R. 699. *Affirmed* [1956] P. 336; [1956] 3 W.L.R. 147

St. Mark's, Marylebone Road, In re [1898] P. 114; 14 T.L.R. 103. *Distinguished*, In re St. Peter, St. Helier, Morden, and In re St. Olave, Mitcham [1951] P. 303; [1951] 1 T.L.R. 1033; [1951] 2 All E.R. 53

St. Martin's Theatre, In re [1959] 1 W.L.R. 872; [1959] 3 All E.R. 298. *Considered*, Wine Shippers (London) Ltd. *v.* Bath House Syndicate Ltd. [1960] 1 W.L.R. 989

St. Mary Magdalene, Altofts, In re [1958] P. 172n. *Applied*, In re St. Michael and All Angels, Bishopwearmouth, Rector and Churchwardens of Bishopwearmouth *v.* Adey [1958] 1 W.L.R. 1183

St. Mary the Virgin, Swanley (unreported, Ashworth Ch., Dec. 19, 1946). *Followed*, In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129

St. Mungo Manufacturing Co. *v.* Hutchinson Main & Co. Ltd. (1908) 25 R.P.C. 356. *Distinguished*, Carl-Zeiss-Stiftung *v.* Rayner & Keeler Ltd. [1960] 1 W.L.R. 1145

St. Nicholas Acons (Rector and Churchwardens) *v.* London County Council [1928] A.C. 469; 44 T.L.R. 656, P.C. *Applied*, In re St. Mark's Church, Lincoln [1955] 3 W.L.R. 844; [1956] P. 336; [1956] 3 W.L.R. 147, C.A.

St. Olave, Mitcham, In re. *See* In re St. Peter, St. Helier, Morden.

St. Pancras Borough Council *v.* University of London [1957] 1 W.L.R. 778; [1957] 2 All E.R. 395. *Decision of Wynn-Parry J. affirmed* [1957] 1 W.L.R. 1214; [1957] 3 All E.R. 673. *Distinguished*, Westminster City Council *v.* London University King's College [1958] 1 W.L.R. 920

St. Peter, St. Helier, Morden, In re; St. Olave, Mitcham, In re [1951] P. 303; [1951] 1 T.L.R. 1033; [1951] 2 All E.R. 53. *Followed*, In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129

St. Saviour's, Hampstead, In re [1932] P. 134. *Considered*, In re St. Saviour's Church, Walthamstow [1951] P. 147; 66 T.L.R. (Pt. 2) 666; [1950] 2 All E.R. 812. *Applied*, In re St. Mary, Tyne Dock [1958] P. 156; [1957] 3 W.L.R. 945

St. Saviour's, Walthamstow [1951] P. 147; 66 T.L.R. (Pt. 2) 666; [1950] 2 All E.R. 812. *Applied*, In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129

Salinas of Mexico, In re [1919] W.N. 311. *Applied*, In re Castiglione, Erskine & Co. [1958] 1 W.L.R. 688

Salisbury *v.* Gilmore [1942] 2 K.B. 38; 58 T.L.R. 226; [1942] 1 All E.R. 457. *Applied*, Keats *v.* Graham [1960] 1 W.L.R. 30

Salisbury (Lord) *v.* Nugent (1882) 9 P.D. 23. *Applied*, In re Reynolds, decd., Pearkes *v.* Reynolds [1955] 1 W.L.R. 12, C.A.

Salisbury (Marquis of) *v.* Gt. Northern Railway (1852) 17 Q.B.D. 840. *Applied*, Grice *v.* Dudley Corporation [1958] Ch. 329; [1957] 3 W.L.R. 315

Salisbury-Jones, In re, Hammond *v.* Salisbury-Jones [1938] 3 All E.R. 459. *Applied*, Anson *v.* Anson [1953] 1 Q.B. 636; [1953] 1 W.L.R. 573

Sallis *v.* Jones [1936] P. 43; 52 T.L.R. 113. *Applied and followed*, Langston, decd., In the Estate of [1953] P. 100; [1953] 1 W.L.R. 581

Salmen, In re, Salmen *v.* Bernstein (1912) 107 L.T. 108, C.A. *Considered*, In re Worthington. Leighton *v.* MacLeod [1954] 1 W.L.R. 526

Salmon *v.* Isaac (1869) 20 L.T. 885. *Considered*, Webb *v.* Times Publishing Co. Ltd. [1960] 2 Q.B. 535; [1960] 3 W.L.R. 352

Salmon *v.* Weight (1935) 51 T.L.R. 333; 19 T.C. 174. *Considered*, Abbott *v.* Philbin [1960] Ch. 27; [1960] 3 W.L.R. 255

Salomon *v.* Salomon & Co. Ltd. [1897] A.C. 22; 13 T.L.R. 46, H.L. *Followed*, Ebbw Vale U. D. C. *v.* South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 T.L.R. 742, C.A. *Considered*, Lee *v.* Lee's Air Farming Ltd. [1961] A.C. 12; [1960] 3 W.L.R. 758

Salting, In re, Baillie-Hamilton *v.* Morgan [1932] 2 Ch. 57. *Considered*, Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.

Salusbury *v.* Denton (1857) 3 K. & J. 529. *Distinguished*, Inland Revenue Commissioners *v.* Broadway Cottages Trust. Same *v.* Sunnylands Trust [1955] Ch. 20; [1954] 3 W.L.R. 438

Sampson, In re [1906] 1 Ch. 435. *Followed*, In re Power's Settlement Trusts [1951] Ch. 689; [1951] 1 T.L.R. 820; [1951] 1 All E.R. 932. *Approved*, In re Power's Settlement Trusts [1951] Ch. 1074; [1951] 2 T.L.R. 355; [1951] 2 All E.R. 513, C.A.

Samson *v.* Aitchison [1912] A.C. 844; 28 T.L.R. 559, P.C. *Applied*, Trust Co. *v.* De Silva [1956] 1 W.L.R. 377, P.C.

Samuelson *v.* Producers' Distributing Co. [1932] 1 Ch. 201, C.A. *Dicta of Romer L.J. applied*. Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Sandbach, In re [1951] Ch. 294; 66 T.L.R. (Pt. 2) 1089; [1950] 2 All E.R. 1195. *Affirmed in part; reversed in part* [1951] Ch. 791; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971, C.A.

Sandeman's Will Trusts, In re [1937] 1 All E.R. 368. *Followed*, In re Weiner, decd. Wyner *v.* Braithwaite [1956] 1 W.L.R. 580

Sanders *v.* Spencer (1567) 3 Dyer 266 (b). *Applied*, Williams *v.* Linnett [1951] 1 K.B. 565; [1951] 1 T.L.R. 94; [1951] 1 All E.R. 278, C.A.

Sanderson, Ex parte, In re Alexander (1856) 8 De G.M. & G. 849. *Considered*, In re Browne [1960] 1 W.L.R. 692

Sanderson *v.* Berwick-upon-Tweed Corporation (1884) 13 Q.B.D. 547, C.A. *Considered*, Owen *v.* Gadd [1956] 2 Q.B. 99; [1956] 2 W.L.R. 946, C.A.

Sanderson *v.* Inland Revenue Commissioners [1956] A.C. 491; [1956] 2 W.L.R. 98; [1956] 1 All E.R. 14. *Dictum of Lord Radcliffe considered*, Public Trustee *v.* Inland Revenue Commissioner [1960] A.C. 398; [1960] 2 W.L.R. 203. *Observations of Lord Radcliffe not followed* [1958] Ch. 865; [1958] 3 W.L.R. 163, C.A.

Sandford, In re [1901] 1 Ch. 939. *Followed*, In the Estate of Last, decd. [1958] P. 137; [1958] 2 W.L.R. 186

Sandgate, The [1930] P. 30; 46 T.L.R. 116, C.A. *Applied*, Compania de Navigacion Zita, S.A. *v.* Louis Dreyfus & Compagnie [1953] 1 W.L.R. 1399

Sandwell Park Colliery Co., In re [1929] 1 Ch. 277. *Applied*, Aberfoyle Plantations *v.* Khaw Bian Cheng [1960] A.C. 115; [1959] 3 W.L.R. 1011, P.C.

Sansom *v.* Sansom [1956] 1 W.L.R. 945; [1956] 3 All E.R. 446, C.A. *Applied*, Taylor *v.* John Summers & Sons [1957] 1 W.L.R. 1182, C.A.

Sapsford *v.* Sapsford and Furtado [1954] P. 394; [1954] 3 W.L.R. 34; [1954] 2 All E.R. 373. *Approved*, Dennis *v.* Dennis (Spillett cited) [1955] P. 153; [1955] 2 W.L.R. 817, C.A.

Satanita, The [1897] A.C. 59; 13 T.L.R. 58, H.L. *Distinguished*, The Kirknes [1957] P. 51; [1957] 2 W.L.R. 21

Saunders *v.* Inland Revenue Commissioners [1956] Ch. 283; [1955] 3 W.L.R. 930; [1955] 3 All E.R. 274. *Decision of Wynn-Parry J. reversed* [1956] Ch. 509; [1956] 3 W.L.R. 547; [1956] 3 All E.R. 83, C.A. *Decision of Court of Appeal affirmed*, sub nom. Inland Revenue Commissioners *v.* Saunders [1958] A.C. 285; [1957] 3 W.L.R. 474, H.L.

Saunders *v.* Richardson (1881) 7 Q.B.D. 388, D.C. *Applied*, Spiers *v.* Warrington Corporation [1954] 1 Q.B. 61; [1953] 3 W.L.R. 695, D.C.

Sauvageau *v.* Gauthier (1874) L.R. 5 P.C. 494, P.C. *Considered*, Karikari *v.* Agyekum II [1955] A.C. 640; [1955] 3 W.L.R. 126, P.C.

Savary *v.* Savary (1898) 79 L.T. 607. *Referred to*, Style *v.* Style and Keiller [1953] 3 W.L.R. 613

Savenis *v.* Savenis and Szmeck [1950] S.A.S.R. 309. *Applied*, Taczanowska (orse. Roth) *v.* Taczanowski [1957] P. 301; [1957] 3 W.L.R. 143, C.A.

Savile *v.* Roberts (1698) 1 Ld.Raym. 374; 1 Salk. 13 (sub nom. Savil *v.* Roberts), 5 Mod. 405, C.A. *Applied*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Savile Settled Estates, In re [1931] 2 Ch. 210, 217. *Considered*, Baker *v.* Merckel [1960] 1 Q.B. 657; [1960] 2 W.L.R. 492

Savoy Overseers *v.* Art Union of London [1896] A.C. 296; 12 T.L.R. 377, H.L. *Considered*, O'Sullivan (Valuation Officer) *v.* English Folk Dance and Song Society [1955] 1 W.L.R. 908, C.A. *Applied*, Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 3 W.L.R. 978

Scammell (G.) and Nephew *v.* Ouston [1941] A.C. 251; 57 T.L.R. 280; [1941] 1 All E.R. 14, H.L. *Applied*, British Electrical and Associated Industries (Cardiff) *v.* Patley Pressings [1953] 1 W.L.R. 280

Scarborough *v.* Cosgrove [1905] 2 K.B. 805; 21 T.L.R. 754, C.A. *Distinguished*, Tinsley *v.* Dudley [1951] 2 K.B. 18; [1951] 1 T.L.R. 315; [1951] 1 All E.R. 252, C.A.

Scarisbrick, In re, Cockshott *v.* Public Trustee [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A. *Reversed* [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A. *Distinguished*, In re Coulthurst, decd. Coutts & Co. *v.* Coulthurst [1951] Ch. 193; [1951] 1 T.L.R. 62; Inland Revenue Commissioners *v.* Broadway Cottages Trust. Same *v.* Sunnylands Trust [1955] Ch. 20; [1954] 3 W.L.R. 438, C.A.

Schebsman, In re. Ex p. Official Receiver. Trustee *v.* Cargo Superintendents (London) & Schebsman [1944] Ch. 83; 60 T.L.R. 128; [1943] 2 All E.R. 768. *Applied*, Green *v.* Russell, McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Schering *v.* Stockholms Enskilda Bank Aktiebolag [1946] A.C. 219; 62 T.L.R. 122; [1946] 1 All E.R. 36, H.L. *Applied*, Arab Bank *v.* Barclays Bank (Dominion, Colonial and Overseas) [1953] 2 Q.B. 527; [1953] 3 W.L.R. 67, C.A.; [1954] A.C. 495; [1954] 2 W.L.R. 1022, H.L.; Bevan *v.* Bevan [1955] 2 Q.B. 227; [1955] 2 W.L.R. 949; In re Claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 185. *Distinguished* Kuenigl *v.* Donnersmarck [1955] 1 Q.B. 515; [1955] 2 W.L.R. 82

Schloss *v.* Walter Heriot (1863) 14 C.B.(N.S.) 59. *Applied*, Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 597

Schmaltz *v.* Avery (1851) 16 Q.B. 655. *Considered*, Newborne *v.* Sensolid (Great Britain) [1954] 1 Q.B. 45; [1953] 2 W.L.R. 596, C.A.

Schneider *v.* Eisovitch [1960] 2 W.L.R. 169; [1960] 1 All E.R. 169. *Not followed*, Gage *v.* King [1961] 1 Q.B. 188; [1960] 3 W.L.R. 460

Schneider *v.* Norris (1814) 2 M. & S. 286. *Applied*, Leeman *v.* Stocks [1951] Ch. 941; [1951] 2 T.L.R. 622; [1951] 1 All E.R. 1043

Scholefield *v.* Redfern (1863) 2 Dr. & Sm. 173. *Applied*, In re Gibbs, decd. [1951] Ch. 933; [1951] 2 All E.R. 63

Schuck *v.* Schuck [1950] W.N. 264; 66 T.L.R. (Pt. 1) 1179. *Applied*, Igra v. Igra [1951] P. 404; [1951] 2 T.L.R. 670. *Approved*, Har-Shefi *v.* Har-Shefi [1953] P. 161; [1953] 2 W.L.R. 690, C.A.

Scott, In re [1901] 1 K.B. 228; 17 T.L.R. 148, C.A. *Observations of Stirling L.J. applied*, Basioli, decd., In re, McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

Scott, In re [1911] 2 Ch. 374. *Not followed*, In re Hatfeild's Will Trusts [1958] Ch. 469; [1957] 3 W.L.R. 29

Scott, In re [1916] 2 Ch. 268; 31 T.L.R. 227, C.A. *Applied*, In re Bedford, decd. [1960] 1 W.L.R. 1331

Scott, In re, Langton *v.* Scott [1903] 1 Ch. 1, C.A. *Considered*, In re Hayward, decd. [1956] 1 W.L.R. 1490; [1957] Ch. 528; [1957] 3 W.L.R. 50, C.A.

Scott *v.* Avery (1856) 5 H.L.C. 811, H.L. *Applied*, Baker *v.* Jones [1954] 1 W.L.R. 1005

Scott *v.* Bevan (1831) 2 B. & Ad. 78. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Scott *v.* Brown, Doering, McNab & Co. [1892] 2 Q.B. 724; 8 T.L.R. 755, C.A. *Applied*, Bigos *v.* Bousted [1951] 1 All E.R. 92

Scott *v.* Izon (1865) 34 Beav. 434. *Considered*, In re Meade (A Bankrupt) [1951] Ch. 774; [1951] 2 T.L.R. 111; [1951] 2 All E.R. 168, D.C.

Scott *v.* London and St. Katherine's Dock Co. (1865) 3 H. & C. 596. *Dictum of Erle C.J. applied*, Southport Corporation *v.* Esso Petroleum Co. [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200. *Followed*, Moore *v.* R. Fox & Sons [1956] 1 Q.B. 596; [1956] 2 W.L.R. 342, C.A.

Scott *v.* Pilliner [1904] 2 K.B. 855; 20 T.L.R. 662. *Considered*, Fawcett Properties Ltd. *v.* Buckingham County Council [1960] 3 W.L.R. 831

Scott *v.* Sampson (1882) 8 Q.B.D. 491 (D.C.). *Applied*, Speidel *v.* Plato Films Ltd. [1960] 3 W.L.R. 391

Scott *v.* Scott [1951] P. 193; 66 T.L.R. (Pt. 2) 823; [1950] 2 All E.R. 1154, C.A. *Applied*, Wright *v.* Wright [1954] 1 W.L.R. 534. *Distinguished*, Hindley *v.* Hindley [1957] 1 W.L.R. 898

Scott *v.* Scott [1951] P. 245; [1951] 1 All E.R. 216. *Considered*, Le Roy Lewis *v.* Le Roy Lewis [1955] P. 1; [1954] 3 W.L.R. 549. *Dicta of Hodson J. not followed*, Bradley *v.* Bradley [1956] P. 326; [1956] 2 W.L.R. 654. *Dictum of Hodson J. applied*, Pigott *v.* Pigott [1958] P. 1; [1957] 3 W.L.R. 781, C.A.

Scott *v.* Scott [1959] 2 W.L.R. 497n. *Followed*, Morgan *v.* Morgan (orse. Ransom) [1959] P. 92; [1959] 2 W.L.R. 487

Scott *v.* Scott (orse. Fone) [1959] P. 103; [1959] 2 W.L.R. 497; [1959] 1 All E.R. 531. *Observations of Sachs J. not followed*, G. *v.* G. (orse. H.) [1960] 3 W.L.R. 648

Scott *v.* Sebright (1886) 12 P.D. 21; 3 T.L.R. 79. *Applied*, Parojcic (orse. Ivetic) *v.* Parojcic [1958] 1 W.L.R. 1280

Scottish Co-operative Wholesale Society *v.* Meyer [1958] 3 W.L.R. 404; [1958] 3 All E.R. 66. *Distinguished*, Bullock *v.* Unit Construction Co. [1959] Ch. 315; [1959] 2 W.L.R. 437, C.A. *Applied*, In re Harmer [1959] 1 W.L.R. 62, C.A.

Scottish Insurance Corporation *v.* Wilsons and Clyde Coal Co. [1949] A.C. 462; 65 T.L.R. 354; [1949] 1 All E.R. 1068, H.L. *Distinguished*, In re Old Silkstone Collieries [1954] Ch. 169; [1954] 2 W.L.R. 77, C.A.

Scottish Mortgage Co. of New Mexico *v.* McKelvie (1886) 2 T.C. 165. *Considered*, Thomson *v.* Moyse [1959] Ch. 464; [1960] 3 W.L.R. 929

Scottish Motor Traction *v.* Edinburgh Assessor, 1931 S.C. 416. *Applied*, London Transport Executive *v.* Betts (Valuation Officer) [1958] 3 W.L.R. 239, H.L.

Scottish Provident Institution *v.* Farmer (1911–12) 6 T.C. 34. *Considered*, Thomson *v.* Moyse [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A.; [1960] 3 W.L.R. 929

Scottish Widows' Fund Life Assurance Society *v.* Farmer (1909) 5 T.C. 502, 508. *Dicta of Lord Dunedin considered*, Thomson *v.* Moyse [1960] 3 W.L.R. 929

Scrimaglio *v.* Thornett & Fehr (1924) 40 T.L.R. 320. *Followed*, Birtley District Co-operative Society *v.* Windy Nook & District Industrial Co-operative Society [1959] 1 W.L.R. 142

Scutt *v.* Scutt [1950] W.N. 286, D.C. *Applied*, Smith *v.* Smith [1957] 1 W.L.R. 803, D.C.

Seabrook *v.* British Transport Commission [1959] 1 W.L.R. 509; [1959] 2 All E.R. 15. *Applied*, Patch *v.* United Bristol Hospitals Board [1959] 1 W.L.R. 955. *Distinguished*, Longthorn *v.* British Transport Commission [1959] 1 W.L.R. 530

Seabrook *v.* Mervyn [1947] 1 All E.R. 295, C.A. *Distinguished*, Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A.

Seaford Court Estates Ltd. *v.* Asher [1949] 2 K.B. 481; 65 T.L.R. 379; [1949] 2 All E.R. 155, C.A. *Dicta of Denning L.J. followed*, Francis Jackson Developments Ltd. *v.* Hall [1951] 2 K.B. 488; [1951] 2 T.L.R. 97; [1951] 2 All E.R. 74, C.A.

Searle *v.* Wallbank [1947] A.C. 341; 64 T.L.R. 24; [1947] 1 All E.R. 12, H.L. *Followed*, Brock *v.* Richards [1951] 1 K.B. 529; [1951] 1 T.L.R. 69; [1951] 1 All E.R. 261, C.A.

Sebright, In re. Public Trustee *v.* Sebright [1944] Ch. 287; 60 T.L.R. 334; [1944] 2 All E.R. 547. *Followed*, In re Lonsdale Wills Trusts. Lowther *v.* Lowther [1960] Ch. 288; [1959] 3 W.L.R. 879, C.A.

Sechiari, In re [1950] W.N. 133; 66 T.L.R. (Pt. 1) 531; [1950] 1 All E.R. 417. *Followed*, In re Kleinwort's Settlements [1951] Ch. 860; [1951] 2 T.L.R. 91; [1951] 2 All E.R. 328. *Distinguished*, In re Winder's Will Trust [1951] Ch. 916; [1951] 2 T.L.R. 93; [1951] 2 All E.R. 362; In re Duff's Settlements [1951] Ch. 923; [1951] 2 T.L.R. 474; [1951] 2 All E.R. 534, C.A.

Seddon *v.* North Eastern Salt Co. [1905] 1 Ch. 326; 21 T.L.R. 118. *Considered*, Long *v.* Lloyd [1958] 1 W.L.R. 753, C.A.

Sedgwick *v.* Watney, Combe, Reid & Co. Ltd. [1931] A.C. 446; 47 T.L.R. 308, H.L. *Considered*, Cockram *v.* Tropical Preservation Co. Ltd. [1951] 2 K.B. 827; [1951] 2 T.L.R. 814; [1951] 2 All E.R. 520, C.A. *Referred to*, Wilson Brothers *v.* Edwards (Valuation Officer) [1958] 1 W.L.R. 955, C.A.

Sedleigh-Denfield *v.* O'Callaghan [1940] A.C. 880; 56 T.L.R. 887; [1940] 3 All E.R. 349, H.L. *Distinguished*, Mint *v.* Good [1951] 1 K.B. 517; 66 T.L.R. (Pt. 2) 110; [1950] 2 All E.R. 1159, C.A. *Dicta considered and applied*, Pemberton *v.* Bright [1960] 1 W.L.R. 436

Sekgome, Ex parte. *See* R. *v.* Crewe.

Self *v.* Self [1954] P. 480; [1954] 3 W.L.R. 119; [1954] 2 All E.R. 550. *Observations of Sachs J. considered*, Theocharides *v.* Joannou [1955] 1 W.L.R. 296. *Applied*, Young *v.* Young and Kahler [1955] 1 W.L.R. 396; Isaac *v.* Isaac [1955] P. 333; [1955] 3 W.L.R. 253. *Considered and applied*, Eaves *v.* Eaves and Powell [1956] P. 154; [1955] 3 W.L.R. 984

Sellors *v.* Matlock Bath Local Board (1885) 14 Q.B.D. 928. *Considered*, Ching Garage *v.* Chingford Corporation [1959] 1 W.L.R. 959

Semtex *v.* Gladstone [1954] 1 W.L.R. 945; [1954] 2 All E.R. 206. *Applied*, Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 632, C.A.

Senanayake *v.* Navaratne [1954] A.C. 640; [1954] 3 W.L.R. 336; [1954] 2 All E.R. 805, P.C. *Applied*, Patterson *v.* Solomon [1960] A.C. 579; [1960] 2 W.L.R. 685

Serpell & Co. Ld., In re [1944] Ch. 233; 60 T.L.R. 309. *Approved*, Inland Revenue Commissioners *v.* Universal Grinding Wheel Co. [1955] A.C. 807; [1955] 2 W.L.R. 893, H.L.

Sevenoaks Urban District Council *v.* Twynam [1929] 2 K.B. 440; 45 T.L.R. 508. *Applied*, Ealing Corporation *v.* Jones [1959] 1 Q.B. 384; [1959] 2 W.L.R. 194

Severn and Wye and Severn Bridge Railway Co., In re [1896] 1 Ch. 559; 12 T.L.R. 262. *Distinguished*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 758

Sewell *v.* Burdick (1884) 10 App.Cas. 74; 1 T.L.R. 128, H.L. *Considered*, S.S. Ardennes (Cargo Owners) *v.* S.S. Ardennes (Owners) [1951] 1 K.B. 55; 66 T.L.R. (Pt. 2) 312; [1950] 2 All E.R. 517

Sexton *v.* Scaffolding (Great Britain) [1953] 1 Q.B. 153; [1952] 2 T.L.R. 986; [1952] 2 All E.R. 1085, C.A. *Considered*, Norris *v.* Moss [1954] 1 W.L.R. 346, C.A.

Sey *v.* The King (1950) 13 W.A.C.A. 128. *Approved*, Poole *v.* The Queen [1961] A.C. 223; [1960] 3 W.L.R. 770

Seymour *v.* Reed [1927] A.C. 554; 43 T.L.R. 584, H.L. *Distinguished*, Moorhouse *v.* Dooland [1955] Ch. 284; [1955] 2 W.L.R. 97, C.A. Wright *v.* Boyce [1958] 1 W.L.R. 832, C.A. *Considered*, Hochstrasser *v.* Mayes [1960] A.C. 376; [1960] 2 W.L.R. 63; Benjamin *v.* Minister of Pensions and National Insurance [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430

Shaffer (James) *v.* Findlay Durham and Brodie [1953] 1 W.L.R. 106, C.A. *Referred to*, Peter Dumenil & Co. *v.* James Ruddin [1953] 1 W.L.R. 815, C.A.

Shakespeare Memorial Trust, In re, Lytton (Earl) *v.* Att. Gen. [1923] 2 Ch. 398; 39 T.L.R. 676. *Referred* Associated Artists Ltd. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 752

Shanklin Pier *v.* Detel Products [1951] 2 K.B. 854; [1951] 2 All E.R. 471. *Applied*, Andrews *v.* Hopkinson [1957] 1 Q.B. 229; [1956] 3 W.L.R. 733

Shanley *v.* Ward (1913) 29 T.L.R. 714, C.A. *Applied*, In re Town Investment Underlease [1954] Ch. 301; [1954] 2 W.L.R. 355

Sharkey *v.* Wernher [1953] Ch. 782; [1953] 3 W.L.R. 559; [1953] 2 All E.R. 791. *Reversed* [1954] Ch. 713; [1954] 3 W.L.R. 367; [1954] 2 All E.R. 753, C.A. *Reversed* [1955] 3 W.L.R. 762

Sharpe *v.* Haggith (1912) 28 T.L.R. 194, C.A. *Applied*, Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755, C.A.

Sharpe *v.* Wakefield [1891] A.C. 173, H.L. *Applied*, Regina *v.* Flintshire County Council Licensing (Stage Plays) Committee. Ex parte Barrett [1956] 1 W.L.R. 1416, D.C. *Considered*, In re Scremby Corn Rents [1960] 1 W.L.R. 1227

Sharpley *v.* Manby [1942] 1 K.B. 217; 58 T.L.R. 91; [1942] 1 All E.R. 66. *Applied*, Stylo Shoes Ltd. *v.* Prices Tailors Ltd. [1960] Ch. 396; [1960] 2 W.L.R. 8

Shaw, In re, ex parte Gill (1901) 83 L.T. 754, C.A. *Considered*, Judgment Summons (No. 25 of 1952), In re, ex parte Henleys [1953] Ch. 195; [1953] 2 W.L.R. 315, C.A.

Shaw *v.* Attorney-General (1870) L.R. 2 P. & M. 156. *Distinguished*, Maher *v.* Maher [1951] P. 342; [1951] 1 T.L.R. 1163; [1951] 2 All E.R. 37. *Considered*, Igra *v.* Igra [1951] P. 404; [1951] 2 T.L.R. 670

Shaw *v.* Tati Concessions [1913] 1 Ch. 292; 29 T.L.R. 261. *Applied*, Jackson *v.* Hamlyn [1953] Ch. 577; [1953] 2 W.L.R. 709; Holmes *v.* Keyes [1959] Ch. 199; [1958] 2 W.L.R. 772, C.A.

Shaw's Settlement, In re, Shaw *v.* Shaw [1951] Ch. 33; [1951] 1 T.L.R. 470; [1951] 1 All E.R. 656. *Followed*, In re Rees, decd., Lloyds Bank *v.* Rees [1954] Ch. 202; [1954] 2 W.L.R. 59

Sheard *v.* Mellor. *See* In re Lucas.

Shedden *v.* Patrick and Attorney-General (1869) L.R. 1 Sc. & D. 470, H.L. *Applied*, Corbett *v.* Corbett [1953] P. 205; [1953] 2 W.L.R. 1124, C.A.

Sheers *v.* Thimbleby (1897) 13 T.L.R. 451, C.A. *Applied*, Burgess *v.* Cox [1951] Ch. 383; [1951] 1 T.L.R. 531; [1950] 2 All E.R. 1212. *Distinguished*, Timmins *v.* Moreland Street Property Co. [1958] Ch. 110; [1957] 3 W.L.R. 678, C.A.

Sheffield *v.* Eden (1878) 10 Ch.D. 291, C.A. *Followed*, Barratt *v.* Gough-Thomas [1951] Ch. 242; 66 T.L.R. (Pt. 2) 1059; [1950] 2 All E.R. 1048, C.A.

Sheffield Corporation *v.* Anderson (1894) 64 L.J.M.C. 44, C.A. *Applied*, Southgate Borough Council *v.* Park Estates (Southgate) [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337, C.A.

Sheffield Corporation *v.* Luxford [1929] 2 K.B. 180; 45 T.L.R. 491. *Distinguished*, Yates *v.* Morris [1951] 1 K.B. 77; 66 T.L.R. (Pt. 2) 707, C.A. *Considered*, Short *v.* Short [1960] 1 W.L.R. 833

Sheldon *v.* Brown Bayleys Steel Works and Dawnays [1953] 1 W.L.R. 875; [1953] 2 All E.R. 382. *Reversed* [1953] 2 Q.B. 393; [1953] 3 W.L.R. 542, C.A.

Shell Company of Australia Ltd. *v.* Federal Commissioner of Taxation [1931] A.C. 275; 47 T.L.R. 115. *Considered*, Addis *v.* Crocker [1960] 1 Q.B. 87; [1960] 3 W.L.R. 339

Shelley *v.* Shelley (No. 1) [1952] P. 107; [1951] 2 T.L.R. 1167; [1952] 1 All E.R. 70. *Distinguished*, Shelley *v.* Shelley (No. 2) [1952] P. 111; [1951] 2 T.L.R. 1224; [1952] 1 All E.R. 72

Shell-Mex and B.P. *v.* Clayton (Valuation Officer) [1955] 1 W.L.R. 982; [1955] 3 All E.R. 102, C.A. *Affirmed* [1956] 1 W.L.R. 1199, H.L.

Shell-Mex & B.P. *v.* Holyoak (Valuation Officer) [1958] 1 W.L.R. 331; [1958] 1 All E.R. 702. *Decision of Court of Appeal reversed* [1959] 1 W.L.R. 188, H.L.

Shelton's Settled Estates, In re [1945] Ch. 158; 61 T.L.R. 220; [1945] 1 All E.R. 283. *Distinguished*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285

Shephard, In re, Shephard *v.* Cartwright [1953] Ch. 728; [1953] 3 W.L.R. 378; [1953] 2 All E.R. 608; *affirming* [1953] 1 W.L.R. 460; 97 S.J. 151; [1953] 1 All E.R. 569. *Reversed*, Shephard *v.* Cartwright [1955] A.C. 431; [1954] 3 W.L.R. 967, H.L.

Sheppard *v.* Glossop Corporation [1921] 3 K.B. 132; 37 T.L.R. 604, C.A. *Applied*, Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745

Sheppey *v.* Matthew T. Shaw & Co. [1952] W.N. 249; [1952] 1 T.L.R. 1272. *Applied*, Trott *v.* W. E. Smith (Erectors) [1957] 1 W.L.R. 1155, C.A.

Sheriff of Middlesex Case (1840) 11 Ad. & E. 273. *Referred to*, In re Parliamentary Privilege Act, 1770 [1958] A.C. 331; [1958] 2 W.L.R. 912, P.C.

Sherrin *v.* Brand [1956] 1 Q.B. 403; [1956] 2 W.L.R. 131; [1956] 1 All E.R. 194, C.A. *Applied*, Payne *v.* Cooper [1958] 1 Q.B. 174; [1957] 3 W.L.R. 741, C.A.

Sherwood *v.* Tucker [1924] 2 Ch. 440; 40 T.L.R. 782 (C.A.). *Considered*, Longmuir *v.* Kew [1960] 1 W.L.R. 862

Shields (John) & Co. (Perth) *v.* Inland Revenue Commissioners, 1950 S.C. 441. *Applied*, Barclays Bank *v.* Inland Revenue Commissioners [1959] Ch. 659; [1960] 3 W.L.R. 280

Shiels *v.* Great Northern Railway (1861) 30 L.J.Q.B. 331. *Applied*, Davies *v.* British Geon [1956] 1 W.L.R. 770; *distinguished* [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Shillington *v.* Portadown Urban District Council [1911] 1 Ir.R. 247. *Considered*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84

Shimmell *v.* Fisher [1951] 2 T.L.R. 753; [1951] 2 All E.R. 672, D.C. *Applied*, Floyd *v.* Bush [1953] 1 W.L.R. 242, D.C.
Shirlaw *v.* Southern Foundries (1926) [1939] 2 K.B. 206; 55 T.L.R. 611; [1939] 2 All E.R. 113, C.A. *Applied*, Forbes *v.* Kemsley Newspapers Ltd. [1951] 2 T.L.R. 656. *Dictum of MacKinnon L.J. applied*, Spring *v.* National Amalgamated Stevedores and Dockers Society [1956] 1 W.L.R. 586
Shirley *v.* Fisher (1882) 47 L.T. 109. *Considered*, In re Greaves, Public Trustee *v.* Ash [1954] Ch. 434; [1954] 2 W.L.R. 557, C.A.
Shore *v.* Wilson (1842) 9 Cl. & F. 355. *Dicta of Parke B. and Tindal C.J. applied*, In re Baldwin & Francis Application [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010, C.A.
Short *v.* Poole Corporation [1926] Ch. 66; 42 T.L.R. 107, C.A. *Applied*, Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181
Shuckburgh's Settlement, In re. Robertson *v.* Shuckburgh [1901] 2 Ch. 794. *Distinguished*, In re Wragg, decd. [1959] 1 W.L.R. 922, C.A.
Shuttleworth, In re (1846) 9 Q.B. 651. *Applied*, Warren *v.* Warren [1953] 1 W.L.R. 1268
Shuttleworth *v.* Cox Brothers & Co. (Maidenhead) Ltd. [1927] 2 K.B. 9; 43 T.L.R. 83. *Considered*, Greenhalgh *v.* Arderne Cinemas Ltd. [1951] Ch. 286; [1950] 2 All E.R. 1120, C.A.
Shuttleworth (W. S.) (Slough) *v.* Lane (1953) 46 R. & I.T. 103. *Observation disapproved*, Dolton Bournes and Dolton *v.* Osmond (Valuation Officer) [1955] 1 W.L.R. 621, C.A.
Sidebotham, In re (1880) 14 Ch.D. 458, 465, C.A. *Applied*, Buxton *v.* Minister of Housing and Local Government [1961] 1 Q.B. 278; [1960] 3 W.L.R. 866
Sidebotham *v.* Holland [1895] 1 Q.B. 378; 11 T.L.R. 154, C.A. *Considered*, Bathavon Rural District Council *v.* Carlile [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545, C.A.
Sidebottom *v.* Kershaw, Leese & Co. Ltd. [1920] 1 Ch. 154; 36 T.L.R. 45. *Considered*, Greenhalgh *v.* Arderne Cinemas Ltd. [1951] Ch. 286; [1950] 2 All E.R. 1120, C.A.
Sidanath Dhonddev *v.* Ganesh Govind (1912) I.L.R. 37 Bom. 60. *Referred to*, Tzamburakis *v.* Rodoussakis [1958] A.C. 469; [1958] 3 W.L.R. 265, P.C.
Sidmouth *v.* Sidmouth (1840) 2 Beav. 447. *Considered*, Shephard *v.* Cartwright [1953] 1 W.L.R. 460; [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.
Sidney *v.* Sidney (1867) 36 L.J.P. & M. 73, H.L. *Considered and applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130
Sifton *v.* City of Toronto [1929] S.C.R. (Can.) 484. *Applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.
Sifton *v.* Sifton [1939] P. 221; 55 T.L.R. 339; [1939] 1 All E.R. 109. *Distinguished*, Barnett *v.* Barnett [1955] P. 21; [1955] 2 W.L.R. 229. *Applied*, Bevan *v.* Bevan [1955] 1 W.L.R. 1142, D.C. *Considered*, Fawcett Properties Ltd. *v.* Buckingham County Council [1960] 3 W.L.R. 831
Silver *v.* Ocean S.S. Co. [1930] 1 K.B. 416; 46 T.L.R. 78. *Applied*, Brown Jenkinson & Co. *v.* Percy Dalton (London) [1957] 2 Q.B. 621; [1957] 3 W.L.R. 404, C.A.
Silver *v.* Silver [1958] 1 W.L.R. 259; [1958] 1 All E.R. 523, C.A. *Distinguished*, Richards *v.* Richards [1958] 1 W.L.R. 1116, C.A.
Silverline Bus Co. *v.* Kandy Omnibus Co. (1956) 58 N.L.R. 193. *Considered*, Tennekoon *v.* Duraisamy [1958] A.C. 354; [1958] 2 W.L.R. 994, P.C.
Silverstone *v.* Silverstone [1953] P. 174; [1953] 2 W.L.R. 513; [1953] 1 All E.R. 556. *Distinguished*, Winstone *v.* Winstone [1960] P. 28; [1959] 3 W.L.R. 660
Simcock *v.* Simcock [1932] P. 94; 48 T.L.R. 374, D.C. *Explained*, Britt *v.* Britt [1955] 1 W.L.R. 1272, C.A.
Simmons *v.* Mitchell (1880) 6 App.Cas. 156, P.C. *Applied*, "Truth" (N.Z.) Ltd. *v.* Holloway [1960] 1 W.L.R. 997
Simmons *v.* White Brothers [1899] 1 Q.B. 1005; 15 T.L.R. 263, C.A. *Considered*, In re Sayer, MacGregor *v.* Sayer [1957] Ch. 423; [1957] 2 W.L.R. 263
Simpson, In re [1916] 1 Ch. 502. *Distinguished*, In re McMorran, decd. [1958] Ch. 624; [1958] 2 W.L.R. 327
Simpson, In re, Chadderton *v.* Simpson [1952] Ch. 412; sub nom. In re Simpson's Marriage Settlement, Chadderton *v.* Simpson [1952] 1 T.L.R. 868; [1952] 1 All E.R. 963. *Not followed*, In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581
Simpson, In re, Clarke *v.* Simpson [1913] 1 Ch. 277. *Approved*, Aberconway's Settlement Trusts In re [1953] Ch. 647; [1953] 3 W.L.R. 183, C.A.
Simpson *v.* Connolly [1953] 1 W.L.R. 911; 97 S.J. 490; [1953] 2 All E.R. 474. *Considered*, Robshaw Brothers *v.* Mayer [1957] 1 Ch. 125; [1956] 1 W.L.R. 1049
Simpson *v.* Gutteridge (1816) 1 Madd. 609. *Applied*, Warner *v.* Sampson [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212
Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C. *Distinguished*, Eastland *v.* Eastland [1954] P. 403; [1954] 2 W.L.R. 851. *Applied*, Cade *v.* Cade [1957] 1 W.L.R. 570, D.C.
Simpson *v.* Teignmouth and Shaldon Bridge Co. [1903] 1 K.B. 405; 19 T.L.R. 225, C.A. *Distinguished*, Corkery *v.* Carpenter [1951] 1 K.B. 102; 66 T.L.R. (Pt. 2) 333; [1950] 2 All E.R. 745, D.C. *Considered*, Kingston Wharves *v.* Reynolds Jamaica Mines [1959] A.C. 187; [1959] 2 W.L.R. 40, P.C.
Simpson *v.* Weber (1925) 41 T.L.R. 302. *Considered*, Webb's Lease, In re. Sandom *v.* Webb [1951] Ch. 142; 66 T.L.R. (Pt. 2) 743; [1950] 2 All E.R. 828. *Distinguished*, In re Webb's Lease. Sandom *v.* Webb [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131, C.A.
Simson, In re [1950] Ch. 38; 65 T.L.R. 721; [1949] 2 All E.R. 826. *Considered*, In re Neeld, decd. [1960] Ch. 455; [1960] 2 W.L.R. 730

Sinason-Teicher Inter-American Grain Corporation *v.* Oilcakes and Oilseeds Trading Co. [1954] 1 W.L.R. 935; [1954] 2 All E.R. 497. *Affirmed* [1954] 1 W.L.R. 1394, C.A. *Considered*, Ian Stach *v.* Baker Bosley [1958] 2 Q.B. 130; [1958] 2 W.L.R. 419

Sinclair *v.* Brougham [1914] A.C. 398; 30 T.L.R. 315, H.L. *Applied*, Ronson (A Bankrupt's) Trustee *v.* Ronson [1955] 1 W.L.R. 545

Singleton *v.* Ellison [1895] 1 Q.B. 607, D.C. *Considered*, Strath *v.* Foxon [1956] 1 Q.B. 67; [1955] 3 W.L.R. 660, D.C.

Sinnasamy Selvanayagam *v.* The King (1946) 47 C.N.L.R. 337. *Reversed* [1951] A.C. 83, P.C.

Sirdar Gurdyal Singh *v.* Rajah of Faridkote [1894] A.C. 670; 10 T.L.R. 621, P.C. *Distinguished*, Inland Revenue Commissioners *v.* Kenmare [1956] Ch. 220; [1955] 3 W.L.R. 922. *Considered*, In re Trepca Mine's Ltd. [1960] 1 W.L.R. 24, 29

Skeate *v.* Slaters [1914] 2 K.B. 429; 30 T.L.R. 290, C.A. *Applied*, Grinstead *v.* Hadrill [1953] 1 W.L.R. 696, C.A.

Skeats *v.* Skeats and White (1865) 35 L.J.P. & M. 47. *Applied*, Thynne *v.* Thynne [1955] P. 272; [1955] 3 W.L.R. 466, C.A.

Skegness Urban District Council *v.* Derbyshire Miners' Welfare Committee [1959] A.C. 807, 823; [1959] 2 W.L.R. 711; [1959] 2 All E.R. 258; 52 R. & I.T. 354, H.L. *Distinguished*, Waterson *v.* Hendon Borough Council [1959] 1 W.L.R. 985. *Applied*, Isaacs *v.* Market Bosworth R.D.C. [1960] 1 W.L.R. 277

Skinner *v.* Geary [1931] 2 K.B. 546; 47 T.L.R. 597, C.A. *Referred to*, Berkeley *v.* Papadoyannis [1954] 2 Q.B. 149; [1954] 3 W.L.R. 23, C.A.; Cove *v.* Flick [1954] 2 Q.B. 326n.; [1954] 3 W.L.R. 82n., C.A.

Skinner *v.* Jack Breach [1927] 2 K.B. 220; 43 T.L.R. 484, D.C. *Considered*, Pauley *v.* Kenaldo [1953] 1 W.L.R. 187

Skinners' Company *v.* Knight [1891] 2 Q.B. 542; 7 T.L.R. 712. *Distinguished*, London County Council *v.* Tobin [1959] 1 W.L.R. 354, C.A.

Slade, In re (1919) 122 L.T. 321. *Distinguished*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285

Slade, In re, Crewkerne United Breweries *v.* Slade [1921] 1 Ch. 160. *Distinguished*, In re Lupkovics, Ex parte The Trustee *v.* Freville [1954] 1 W.L.R. 1234

Slatcher *v.* George Mence Smith [1951] 2 K.B. 631; [1951] 2 T.L.R. 272; [1951] 2 All E.R. 388, D.C. *Applied*, In re Vitamins Application [1956] 1 W.L.R. 1

Slater *v.* Clay Cross Co. [1956] 2 Q.B. 264; [1956] 3 W.L.R. 232; [1956] 2 All E.R. 625. *Distinguished*, Perowski *v.* Wellington Corporation [1959] A.C. 53; [1958] 3 W.L.R. 564, P.C.

Slaughter, Ex parte. *See* R. *v.* Brighton and Area Rent Tribunal.

Slazengers (Australia) Pty. Ltd. *v.* Burnett (1948) 48 N.S.W., St.R. 405. *Reversed* [1951] A.C. 13, P.C.

Slevin, In re, Slevin *v.* Hepburn [1891] 2 Ch. 236; 7 T.L.R. 394, C.A. *Applied*, In re Wright, Blizard *v.* Lockhart [1954] Ch. 347; [1954] 2 W.L.R. 972, C.A. *Considered*, In re Tacon. Public Trustee *v.* Tacon [1958] Ch. 447; [1958] 2 W.L.R. 66, C.A.

Sloman *v.* Bank of England (1845) 14 Sim. 475. *Applied*, Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757, 758

Smart (J. W.) (Modern Shoe Repairs) *v.* Hinckley and South Leicestershire Permanent Benefit Building Society [1952] 2 T.L.R. 684; [1952] 2 All E.R. 846, C.A. *Applied*, Atkinson *v.* Bettison [1955] 1 W.L.R. 1127, C.A. *Distinguished*, Fisher *v.* Taylor's Furnishing Stores [1956] 2 Q.B. 78; [1956] 2 W.L.R. 986, C.A.

Smeaton Hanscomb & Co. *v.* Setty (Sassoon I.), Son & Co. (No. 1) [1953] 1 W.L.R. 1468; [1953] 2 All E.R. 1471. *Dicta applied*, Karsales (Harrow) *v.* Wallis [1956] 1 W.L.R. 937, C.A.

Smeaton, Hanscomb & Co. *v.* Sassoon Setty, Son & Co. (No. 2) [1953] 1 W.L.R. 1481; [1953] 2 All E.R. 1588. *Explained*, Heaven & Kesterton *v.* Sven Widaeus A/B [1958] 1 W.L.R. 248

Smith, In re. Bull *v.* Smith [1933] Ch. 847. *Considered*, In re Cohen, decd. National Provincial Bank *v.* Katz [1960] Ch. 179; [1959] 3 W.L.R. 916

Smith, In re. Oswell *v.* Shepherd (1892) 67 L.T. 64. *Considered*, Stromdale & Ball Ltd. *v.* Burden [1952] Ch. 223; [1951] 2 T.L.R. 1192

Smith, In re, Veasey *v.* Smith [1948] Ch. 49; 63 T.L.R. 608; [1947] 2 All E.R. 708. *Applied*, In re Follett, decd., Barclays Bank *v.* Dovill [1954] 1 W.L.R. 1430, C.A.; [1955] 1 W.L.R. 429; In re Whitrick, decd. [1957] 1 W.L.R. 884, C.A. *Applied*, In re Bacharach's Will Trusts [1959] Ch. 245; [1959] 2 W.L.R. 1

Smith *v.* Austin Lifts [1959] 1 W.L.R. 100; [1959] 1 All E.R. 81. *Applied*, Mace *v.* R. & H. Green and Silley Weir and British India Steam Navigation Co. [1959] 2 Q.B. 14; [1959] 2 W.L.R. 504

Smith *v.* Baker (1873) L.R. 8 C.P. 350. *Applied*, Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; 66 T.L.R. (Pt. 2) 654; [1950] 2 All E.R. 549, C.A.

Smith *v.* Baker & Sons [1891] A.C. 325; 7 T.L.R. 679, H.L. *Applied*, Davies *v.* De Havilland Aircraft Co. Ltd. [1951] 1 K.B. 50; [1950] 2 All E.R. 582; Harris *v.* Brights Asphalt Contractors [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341; United Dominions Trust *v.* Bycroft [1954] 1 W.L.R. 1345, C.A. *Dicta of Lord Herschell applied*, Kilgollan *v.* William Cooke Co. [1956] 1 W.L.R. 527, C.A. *Applied*, Behrens *v.* Bertram Mills Circus [1957] 2 Q.B. 1; [1957] 2 W.L.R. 404. *Reversed*, Davie *v.* New Merton Board Mills [1958] 1 Q.B. 210; [1958] 2 W.L.R. 22. *Applied*, Davie *v.* New Merton Board Mills [1959] A.C. 604; [1959] 2 W.L.R. 331, H.L.

Smith *v.* Baveystock & Co. [1945] 1 All E.R. 531. *Applied*, Johnson *v.* Croggan & Co. [1954] 1 W.L.R. 195

Smith *v.* British European Airways Corporation [1951] 2 K.B. 893; [1951] 2 T.L.R. 608; [1951] 2 All E.R. 737. *Distinguished*, Bowskill *v.* Dawson, National Provincial Bank *v.* Dawson [1955] 1 Q.B. 13; [1954] 3 W.L.R. 275, C.A. *Applied*, O'Neill *v.* S. J. Smith & Co. (Bideford) [1957] 1 W.L.R. 1204

Smith *v.* Bromley (1781) 2 Doug. 696. *Considered*, Kiriri Cotton Co. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127

Smith *v.* Buller (1875) L.R. 19 Eq. 473. *Followed*, Thomas (Joseph) *v.* Cunard White Star Ltd. The Queen Mary [1951] P. 153; 66 T.L.R. (Pt. 2) 1026; [1950] 2 All E.R. 1157. *Applied*, Adelphi Hotel (Brighton), In re. District Bank *v.* Adelphi Hotel (Brighton) [1953] 1 W.L.R. 955

Smith *v.* Butler [1900] 1 Q.B. 694; 16 T.L.R. 208, C.A. *Applied*, Aberfoyle Plantations *v.* Khaw Bian Cheng [1960] A.C. 115; [1959] 3 W.L.R. 1011, P.C.

Smith *v.* Cammell Laird & Co. [1940] A.C. 242; 56 T.L.R. 164; [1939] 4 All E.R. 381, H.L. *Applied*, Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271, D.C. *Considered*, Hamilton *v.* National Coal Board [1960] A.C. 633; [1960] 2 W.L.R. 313

Smith *v.* Colbourne [1914] 2 Ch. 533, C.A. *Considered*, Wilson *v.* Thomas [1958] 1 W.L.R. 422

Smith *v.* Critchfield (1885) 14 Q.B.D. 873; 1 T.L.R. 421. *Applied*, Cave *v.* Capel [1954] 1 Q.B. 367; [1954] 2 W.L.R. 325, C.A.

Smith *v.* Crossley Brothers (1951) 95 S.J. 655. C.A. *Distinguished*, Hudson *v.* Ridge Manufacturing Co. [1957] 2 Q.B. 348; [1957] 2 W.L.R. 948

Smith *v.* East Elloe Rural District Council [1955] 1 W.L.R. 380; [1955] 2 All E.R. 19, C.A. Varied [1956] A.C. 736; [1956] 2 W.L.R. 889, H.L. *Distinguished*, Lazarus Estates *v.* Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 504, C.A.

Smith *v.* Edinburgh Parish Council (1901) 3 F. 414. *Applied*, Rogers *v.* Lewisham Borough Council [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718, C.A.

Smith *v.* Fife Coal Co. [1914] A.C. 723; 30 T.L.R. 502, H.L. *Distinguished*, National Coal Board *v.* England [1954] A.C. 403; [1954] 2 W.L.R. 400, H.L.

Smith *v.* Incorporated Council of Law Reporting for England and Wales [1914] 3 K.B. 674; 30 T.L.R. 588. *Considered*, Boarland (Inspector of Taxes) *v.* Kramat Pulai [1953] 1 W.L.R. 1332

Smith *v.* Jackson (1823) 1 L.J.(o.s.)Ch. 231. *Followed*, In re Manners, decd., Public Trustee *v.* Manners [1955] 1 W.L.R. 1097

Smith *v.* Land and House Property Corporation (1884) 28 Ch.D. 7, C.A. *Affirmed*, Brown *v.* Raphael [1958] Ch. 636; [1958] 2 W.L.R. 647, C.A.

Smith *v.* Law Guarantee and Trust Society Ltd. [1904] 2 Ch. 569; 20 T.L.R. 789, C.A. *Followed*, In re Morris's Will Trusts [1960] 1 W.L.R. 1210

Smith *v.* London, Midland and Scottish Ry., 1948 S.C. 125. *Distinguished*, Lloyds Bank *v.* British Transport Commission [1956] 1 W.L.R. 1279, C.A.

Smith *v.* London Transport Executive [1949] Ch. 685; 65 T.L.R. 538; [1949] 2 All E.R. 295, C.A. *Affirmed* [1951] A.C. 555; [1951] 1 T.L.R. 683; [1951] 1 All E.R. 667, H.L.

Smith *v.* Neale (1857) 2 C.B.N.S. 67. *Applied*, Parker *v.* Clark [1960] 1 W.L.R. 286

Smith *v.* Phillips (1837) 1 Keen 694. *Distinguished*, Rust *v.* Goodale [1957] 1 Ch. 33; [1956] 3 W.L.R. 749

Smith *v.* Smith [1940] P. 179; 56 T.L.R. 760; [1940] 2 All E.R. 595. *Followed*, Whysall *v.* Whysall [1960] P. 52; [1959] 3 W.L.R. 592

Smith *v.* Smith (1945) 61 T.L.R. 331; [1945] 1 All E.R. 584. *Followed*, Halpern *v.* Halpern [1951] P. 204; [1951] 1 T.L.R. 461; [1951] 1 All E.R. 315. *Doubted*, Prescott (formerly Fellowes) *v.* Fellowes [1958] P. 260; [1958] 3 W.L.R. 288, C.A. *Applied*, Brown *v.* Brown [1959] P. 86; [1959] 2 W.L.R. 776, C.A.

Smith *v.* Smith & Reed [1922] P. 1; 38 T.L.R. 57. *Followed*, Lycett-Green *v.* Lycett-Green and Du Puy [1956] 1 W.L.R. 990

Smith *v.* Streatfeild [1913] 3 K.B. 764; 29 T.L.R. 707. *Questioned*, Longdon-Griffiths *v.* Smith [1951] 1 K.B. 295; 66 T.L.R. (Pt. 2) 627; [1950] 2 All E.R. 662

Smith *v.* Vermillion Hills Rural District Council [1916] 2 A.C. 569; 32 T.L.R. 684. *Distinguished*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Smith *v.* Webster (1876) 3 Ch.D. 49, C.A. *Considered*, Wright *v.* Pepin [1954] 1 W.L.R. 635

Smith *v.* Widlake (1877) 3 C.P.D. 10, C.A. *Followed*, Rust *v.* Goodale [1957] Ch. 33; [1956] 3 W.L.R. 750

Smith and Snipes Hall Farm *v.* River Douglas Catchment Board [1949] 2 K.B. 500; 65 T.L.R. 628; [1949] 2 All E.R. 179. *Considered*, Rayfield *v.* Hands [1960] Ch. 1; [1958] 2 W.L.R. 851. *Dicta of Denning L.J. not followed*, Green *v.* Russell (McCarthy Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A. *Dicta of Denning L.J. doubted*, Midland Silicones *v.* Scruttons [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761

Smith (H. C.) *v.* Great Western Railway Co. [1922] 1 A.C. 178; 38 T.L.R. 359. *Considered*, W. Young & Son (Wholesale Fish Merchants) *v.* British Transport Commission [1955] 2 Q.B. 177; [1955] 2 W.L.R. 958

Smith (James) & Sons (Norwood) *v.* Goodman [1936] Ch. 216. C.A. *Followed*, House Property and Investment Co., In re [1954] Ch. 576; [1953] 3 W.L.R. 1037

Smith, Coney & Barrett *v.* Becker, Gray & Co. [1916] 2 Ch. 86; 31 T.L.R. 151, C.A. *Dicta of Lord Cozens-Hardy M.R. and Phillimore L.J. applied*, W. Bruce Ltd. *v.* J. Strong [1951] 2 K.B. 447; [1951] 1 All E.R. 1021, C.A. *Applied*, Taylor (David) & Son *v.* Barnett Trading Co. [1953] 1 W.L.R. 562, C.A.

Smith's Lease, In re [1951] W.N. 51; [1951] 1 T.L.R. 254; [1951] 1 All E.R. 346. *Distinguished*, Adler *v.* Upper Grosvenor Street Investment [1957] 1 W.L.R. 227

Smith's (John) Tadcaster Brewery Co., In re, The Company *v.* Gresham Life Assurance Society [1952] 2 T.L.R. 853; [1952] 2 All E.R. 751. *Reversed* [1953] Ch. 308; [1953] 2 W.L.R. 516, C.A.

Smith-Bosanquet, In re [1940] Ch. 954; 56 T.L.R. 960; [1940] 3 All E.R. 519. *Followed*, In re Lonsdale Wills Trusts. [1960] Ch. 288; [1959] 3 W.L.R. 829, C.A.

Smithwick *v.* National Coal Board [1950] 2 K.B. 335; 66 T.L.R. (Pt. 2) 173. *Considered*, Burns *v.* Joseph Terry & Sons Ltd. [1951] 1 K.B. 454; [1951] 1 T.L.R. 349; [1950] 2 All E.R. 987, C.A. *Dicta of Denning L.J. applied*, Cade *v.* British Transport Commission [1957] 1 W.L.R. 948, C.A.

Smyth, In re [1898] 1 Ch. 89; 14 T.L.R. 77. *Considered*, Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 2 W.L.R. 32, 47

Smyth *v.* Smyth [1956] P. 427; [1956] 3 W.L.R. 210; [1956] 2 All E.R. 476, D.C. *Applied*, Davies *v.* Davies [1957] P. 357; [1957] 3 W.L.R. 34, D.C.

Snape, In re [1915] 2 Ch. 179. *Considered*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A. *Considered*, Fildes *v.* Simkin [1960] P. 70; [1960] 2 W.L.R. 1, 7

Sneddon *v.* Lord Advocate [1954] 2 W.L.R. 211; [1954] 1 All E.R. 255, H.L. (Lord Keith of Avonholm dissenting). *Considered*, Iveagh *v.* Inland Revenue Commissioners [1954] Ch. 364; [1954] 2 W.L.R. 494. *Applied*, In re Prenn's Settlement [1960] 1 W.L.R. 1248

Snow *v.* Snow (1842) 2 Notes of Cases, Supp. i; 6 Jur. 285. *Applied*, Benton *v.* Benton [1958] P. 12; [1957] 3 W.L.R. 802, C.A.

Sobhuza II *v.* Miller [1926] A.C. 518; 42 T.L.R. 446. *Applied*, Nyali *v.* Attorney-General [1956] 1 Q.B. 1; [1955] 2 W.L.R. 650, C.A.

Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products [1958] 2 Q.B. 385; [1958] 3 W.L.R. 152; [1958] 2 All E.R. 695. *Decision of the Court of Appeal affirmed* [1961] A.C. 135; [1960] 3 W.L.R. 145

Societé des Hôtels Le Touquet Paris-Plage *v.* Cummings [1922] 1 K.B. 451. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Société Maritime et Commerciale *v.* Venus Steam Shipping Co. Ltd. (1904) 9 Com.Cas. 289. *Considered*, Howard *v.* Pickford Tool Co. Ltd. [1951] 1 K.B. 417, C.A.

Society of Medical Officers of Health *v.* Hope [1959] 1 Q.B. 462; [1959] 2 W.L.R. 377; [1959] 1 All E.R. 509. *Decision of the Court of Appeal affirmed* [1960] A.C. 551; [1960] 2 W.L.R. 404

Socrates, The, and The Champion [1923] P. 76. *Distinguished*, Trishna (Owners, Master and Crew) *v.* M.S.C. Panther and Ericbank (Owners) [1957] P. 143; [1957] 2 W.L.R. 433

Sodeman *v.* The King (1936) 55 C.L.R. 192, P.C. *Considered*, Attorney-General for South Australia *v.* Brown [1960] A.C. 432; [1960] 2 W.L.R. 588

Solicitor, A, In re, ex parte The Law Society [1912] 1 K.B. 302; 28 T.L.R. 50. *Referred to*, Rajasooria *v.* Disciplinary Committee [1955] 1 W.L.R. 406, P.C.

Solicitor, A, In re, In re Taxation of Costs [1947] Ch. 274; 63 T.L.R. 249; [1947] 1 All E.R. 369. *Distinguished on the facts*, Solicitor, A, In re [1953] Ch. 480; [1953] 2 W.L.R. 1098, C.A.

Solle *v.* Butcher [1950] 1 K.B. 671; 66 T.L.R. (Pt. 1) 448; [1949] 2 All E.R. 1107, C.A. *Considered*, Long *v.* Lloyd [1958] 1 W.L.R. 753, C.A.

Solomons *v.* Gertzenstein (R.) [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823; [1954] 1 All E.R. 1008. *Reversed* [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317, C.A.

Somefun, In re the Estate of (1941) 7 W.A.C.A. 156. *Approved*, Bamgbose *v.* Daniel [1955] A.C. 107; [1954] 3 W.L.R. 561, P.C.

Somerset County Council, Ex parte (1889) 58 L.J.Q.B. 513. *Followed*, Wiltshire County Council *v.* Wiltshire Quarter Sessions Standing Joint Committee [1951] 2 K.B. 516; [1951] 1 T.L.R. 941; [1951] 1 All E.R. 1041, D.C.

Songest, *In re*, decd. [1956] 1 W.L.R. 897; [1956] 2 All E.R. 765, C.A. *Order of the Court of Appeal varied*, [1956] 1 W.L.R. 897, C.A.

Sopi Nona *v.* Marsiyan (1903) 6 W.L.R. 379. *Considered*, Kanapathipillai *v.* Parpathy [1956] A.C. 580; [1956] 3 W.L.R. 585, P.C.

Sorrell *v.* Smith [1925] A.C. 700; 41 T.L.R. 529. *Observations of Viscount Cave L.C. applied*, Huntley *v.* Thornton [1957] 1 W.L.R. 323

Sota y Aznar *v.* Ralli Brothers (1920) 36 T.L.R. 456, C.A. *Considered*, Regazzoni *v.* K. C. Sethia (1944) [1956] 2 Q.B. 490; [1956] 2 W.L.R. 204

Southampton Corporation *v.* Lord (1903) 67 J.P. 189. *Considered*, R. & T. Glynn Evans *v.* Liverpool Corporation [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749, D.C.

South African Dispatch Line *v.* S.S. Niki (Owners) [1959] 1 Q.B. 238; [1958] 3 W.L.R. 718; [1958] 3 All E.R. 590. *Decision of Diplock J. affirmed* [1960] 1 Q.B. 518; [1960] 2 W.L.R. 294. *Considered*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

South Eastern Railway Co. *v.* Cooper [1924] 1 Ch. 211. *Applied*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 2 W.L.R. 429, 1023, C.A.; [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

South Eastern Railway Co. *v.* Warr (1923) 21 L.G.R. 669, C.A. *Applied*, British Transport Commission *v.* Westmorland County Council. Same *v.* Worcestershire County Council [1956] 2 Q.B. 214; [1956] 2 W.L.R. 1023, C.A.; [1958] A.C. 126; [1957] 2 W.L.R. 1033, H.L.

South Shields Corporation *v.* Liverpool Corporation [1943] 1 K.B. 264; [1943] 1 All E.R. 338, D.C. *Applied*, Barnsley Corporation *v.* Lancashire County Council [1957] 1 Q.B. 123; [1956] 3 W.L.R. 820, D.C.

South Staffordshire Water Co. *v.* Sharman [1896] 2 Q.B. 44; 12 T.L.R. 402, D.C. *Applied*, Cohen, decd., In re, National Provincial Bank *v.* Katz [1953] Ch. 88; [1953] 1 W.L.R. 303

Southern Foundries (1926) Ltd. *v.* Shirlaw [1940] A.C. 701; 56 T.L.R. 637; [1940] 2 All E.R. 445, H.L. *Applied*, Shindler *v.* Northern Raincoat Co. Ltd. [1960] 1 W.L.R. 1038

Southern Railway of Peru *v.* Owen [1955] T.R. 87, C.A. *Affirmed* [1957] A.C. 334; [1956] 3 W.L.R. 390, H.L.

Southgate Borough Council *v.* Park Estates (Southgate) [1953] 1 W.L.R. 1274; [1953] 2 All E.R. 1008, D.C. *Affirmed* [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337, C.A.

Southgate Borough Council *v.* Watson [1944] K.B. 541; 60 T.L.R. 392; [1944] 1 All E.R. 603, C.A. *Applied*, Greene *v.* Chelsea Borough Council [1954] 2 Q.B. 127; [1954] 3 W.L.R. 12, C.A.

Southorn *v.* Reynolds (1865) 12 L.T. 75. *Considered*, J. Bollinger *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Southport Corporation *v.* Esso Petroleum Co. [1953] 3 W.L.R. 773; [1953] 2 All E.R. 1204. *Reversed* [1954] 2 Q.B. 182; [1954] 3 W.L.R. 200; [1954] 2 All E.R. 561, C.A. Reversed sub nom. Esso Petroleum Co. *v.* Southport Corporation [1956] A.C. 218; [1956] 2 W.L.R. 82, H.L.

Southwell *v.* Savill Brothers [1901] 2 K.B. 349; 17 T.L.R. 513, D.C. *Principle applied*, Pyrah (Inspector of Taxes) *v.* Annis & Co. [1956] 1 W.L.R. 975

Sovfracht (V/O) *v.* Van Udens Scheepvaart en Agentuur Maatschappij (N.V.Gebr.) [1943] A.C. 203; 59 T.L.R. 101; [1943] 1 All E.R. 76. *Applied*, Boston Deep Sea Fishing and Ice Co. *v.* Farnham (Inspector of Taxes) [1957] 1 W.L.R. 1052

Soysa *v.* Mohideen (1914) 17 N.L.R. 279. *Applied*, Abeyawardene *v.* West [1957] A.C. 176; [1957] 2 W.L.R. 282, P.C. *Overruled*, Hassanally *v.* Cassim [1960] A.C. 592; [1960] 2 W.L.R. 607

Spain, State of *v.* Treasury Solicitor. *See* In the Estate of Maldonado, decd.

Spalding (A. G.) & Brothers *v.* Gamage (A. W.) (1915) 84 L.J.Ch. 449; 31 T.L.R. 328, H.L. *Dicta of Lord Parker applied*, Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966. *Dictum of Lord Parker considered*, Sim *v.* H. J. Heinz Co. [1959] 1 W.L.R. 313, C.A.

Spawforth *v.* Spawforth [1946] P. 131; 62 T.L.R. 262; [1946] 1 All E.R. 379. *Applied*, Blacker *v.* Blacker [1960] P. 146; [1960] 2 W.L.R. 800

Spensley's Will Trusts, In re, Barclays Bank *v.* Slaughter [1952] Ch. 886; [1952] 1 T.L.R. 1435; [1952] 2 All E.R. 49. *Reversed* [1954] Ch. 233; [1954] 2 W.L.R. 145; [1954] 1 All E.R. 178, C.A. *Applied*, In re Rumball, decd., Sherlock *v.* Allan [1956] Ch. 105; [1955] 1 W.L.R. 1037, C.A.

Sperling, In the Goods of (1863) 3 Sw. & Tr. 272. *Considered*, In the Estate of Cook, decd. [1960] 1 W.L.R. 353, 354

Spettabile Consorzio Veneziano di Armamento e Navigazione *v.* Northumberland Shipbuilding Co. Ltd. (1919) 121 L.T. 628. *Considered*, Howard *v.* Pickford Tool Co. Ltd. [1951] 1 K.B. 417, C.A.

Spiers *v.* English [1907] P. 122. *Applied*, In re Cutliffe's Estate [1958] 3 W.L.R. 707, C.A.

Spiller *v.* Maude (1881) 32 Ch.D. 158n. *Distinguished*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84

Spiller *v.* Mayo (Rhodesia) Development Co. (1908) [1926] W.N. 78. *Applied*, Holmes *v.* Keyes [1959] Ch. 199; [1958] 2 W.L.R. 772, C.A.

Spilsbury *v.* Spofforth [1937] 4 All E.R. 487. *Applied*, Jefferson *v.* Jefferson [1956] P. 136; [1955] 1 W.L.R. 1001, C.A.

Squire *v.* Squire [1949] P. 51; [1949] 2 All E.R. 51, C.A. *Referred to*, Kaslefsky *v.* Kaslefsky [1951] P. 38; 66 T.L.R. (Pt. 2) 616; [1950] 2 All E.R. 398. *Applied*, Wright *v.* Wright [1960] P. 85; [1960] 2 W.L.R. 499

Srimati Bibhabati Devi *v.* Kumar Ramendra Narayan Roy [1946] A.C. 508; 62 T.L.R. 549, P.C. *Considered*, Stool of Abinabina *v.* Chief Kojo Enyimadu [1953] A.C. 207; [1953] 2 W.L.R. 261, P.C.

Stackpole *v.* Beaumont (1796) 3 Ves. 89, L.C. *Considered*, Leong *v.* Chye [1955] A.C. 648; [1955] 3 W.L.R. 304, P.C.

Staffordshire Motor Guarantee Ltd. *v.* British Wagon Co. Ltd. [1934] 2 K.B. 305. *Applied*, Eastern Distributors Ltd. *v.* Goldring (Murphy Third Party) [1957] 2 Q.B. 600; [1957] 3 W.L.R. 238, C.A.

Stag Line *v.* Foscolo, Mango & Co. [1932] A.C. 328; 48 T.L.R. 127. *Considered*, Maxine Footwear Co. *v.* Canadian Government Merchant Marine [1959] A.C. 589; [1959] 3 W.L.R. 232, P.C.

Stainer's Executors *v.* Purchase [1952] A.C. 280; sub nom. Gospel *v.* Purchase [1951] 2 T.L.R. 1112; [1951] 2 All E.R. 1071, H.L. *Applied*, Carson (Inspector of Taxes) *v.* Cheyney's Executor [1957] 3 W.L.R. 344; [1958] Ch. 345; [1957] 3 W.L.R. 768, C.A.; [1959] A.C. 412; [1958] 3 W.L.R. 740, H.L. *Distinguished*, Westminster Bank *v.* Barford (Inspector of Taxes) [1958] 1 W.L.R. 406

Stamp Duties Commissioner (New South Wales) *v.* Millon (1932) 48 C.L.R. 618. *Approved as proceeding on the correct principle*, George Johnson *v.* Commissioner of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 455, P.C.

Stamp Duties Commissioners (New South Wales) *v.* Permanent Trustee Co. of New South Wales (Hills Case) (1933) 49 C.L.R. 293. *Referred to*, Commissioner of Stamp Duties *v.* New Zealand Insurance Co. [1956] A.C. 284; [1956] 2 W.L.R. 572, P.C.

Stamp Duties Commissioners (New South Wales) *v.* Perpetual Trustee Co. (Watt's Case) (1926) 38 C.L.R. 12. *Considered*, George Johnson *v.* Commissioner of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 455, P.C.

Stamp Duties Commissioner (New South Wales) *v.* Russell [1948] N.Z.L.R. 520. *Considered*, Florence Emma Ward *v.* Commissioner of Inland Revenue [1956] A.C. 391; [1956] 2 W.L.R. 579, P.C.

Stamp Duties Commissioner for Queensland *v.* Beak (1931) 46 C.L.R. 585. *Referred to*, Commissioner of Stamp Duties of New South Wales *v.* Pearse [1954] A.C. 91; [1954] 2 W.L.R. 5

Stanford *v.* Roberts [1901] 1 Ch. 440. *Applied*, In re Chemists' Federation Agreement (No. 2) [1958] 1 W.L.R. 1192

Stanhope *v.* Haworth (1886) 3 T.L.R. 34, C.A. *Considered*, Gill *v.* Lewis [1956] 2 Q.B. 1; [1956] 2 W.L.R. 964, C.A.

Stanley *v.* English Fibres Industries (1899) 68 L.J.Q.B. 839. *Approved*, W. F. Harrison & Co. *v.* Burke [1956] 1 W.L.R. 420, C.A.

Stanley *v.* Powell [1891] 1 Q.B. 86; 7 T.L.R. 25. *Followed*, National Coal Board *v.* J. E. Evans & Co. (Cardiff) Ltd. and Maberley Parker Ltd. [1951] 2 K.B. 861; [1951] 2 T.L.R. 415; [1951] 2 All E.R. 310, C.A. *Applied*, Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Stanley *v.* Thomas [1939] 2 K.B. 462; 55 T.L.R. 711; [1939] 2 All E.R. 636, D.C. *Distinguished*, Holt *v.* Dyson [1951] 1 K.B. 364; (1950) 66 T.L.R. (Pt. 2) 1009; [1950] 2 All E.R. 840, D.C. *Considered*, Sandland *v.* Neale [1956] 1 Q.B. 241; [1955] 3 W.L.R. 689, D.C.

Stanley *v.* Western Insurance Co. (1868) L.R. 3 Ex. 71. *Considered*, Boiler Inspection and Insurance Company of Canada *v.* Sherwin-Williams Company of Canada Ltd. [1951] A.C. 319; [1951] 1 T.L.R. 497, P.C.

Stansfield *v.* Hobson (1853) 3 De G.M. & G. 620, L.JJ. *Applied*, Wright *v.* Pepin [1954] 1 W.L.R. 635

Stanton *v.* Richardson (1872) L.R. 7 C.P. 421. *Considered*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714

Stanton Ironworks Co. *v.* Skipper [1956] 1 Q.B. 255; [1955] 3 W.L.R. 752; [1955] 3 All E.R. 544, D.C. *Distinguished*, Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; [1956] 3 W.L.R. 271, D.C.

Stapley *v.* Gypsum Mines [1952] 2 Q.B. 575; [1952] 1 All E.R. 1092, C.A. *Reversed* [1953] A.C. 663; [1953] 3 W.L.R. 279; [1953] 2 All E.R. 478, H.L. *Applied*, Wraith *v.* National Coal Board [1954] 1 W.L.R. 264; Williams *v.* Port of Liverpool Stevedoring Co. [1956] 1 W.L.R. 551. *Distinguished*, Judson *v.* British Transport Commission [1954] 1 W.L.R. 585; [1954] 1 All E.R. 624, C.A. *Dictum of Lord Asquith of Bishopstone applied*, Walsh *v.* National Coal Board [1956] 1 Q.B. 511; [1955] 3 W.L.R. 829, C.A. *Followed*, William *v.* Sykes and Harrison [1955] 1 W.L.R. 1181, C.A.

Star Public Saw Mill Co. *v.* Robert Bruce & Co. Ltd. (1923) 17 Ll.L.Rep. 7, C.A. *Considered*, Hong Guan & Co. Ltd. *v.* R. Jumabhoy & Sons Ltd. [1960] A.C. 684; [1960] 2 W.L.R. 754

Starkie *v.* Starkie (No. 2) [1953] 1 W.L.R. 98, 1396; [1953] 2 All E.R. 1255n., 1519. *Applied*, Jones *v.* Jones [1959] P. 38; [1958] 3 W.L.R. 635, D.C.; Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C. *Dicta of Lord Merriman P. applied*, Cooke *v.* Cooke [1960] 3 W.L.R. 807

Starkey *v.* Starkey [1954] P. 449; [1954] 1 All E.R. 1036. *Followed*, Meyer *v.* Meyer [1957] 1 W.L.R. 927, D.C.

Starkowski *v.* Attorney-General [1952] P. 302; [1952] 2 T.L.R. 606; [1952] 2 All E.R. 616. *Affirmed* [1954] A.C. 155; [1953] 3 W.L.R. 942; [1953] 2 All E.R. 1272. *Distinguished*, Pilinski *v.* Pilinska [1955] 1 W.L.R. 329

Statham *v.* Statham [1929] P. 131; 45 T.L.R. 127, C.A. *Applied*, Davidson *v.* Davidson [1953] 1 W.L.R. 387, D.C. *Distinguished*, Lawson (W.) *v.* Lawson (E. B.) [1955] 1 W.L.R. 200, C.A. *Applied*, Bampton *v.* Bampton [1959] 1 W.L.R. 842, C.A.

Staveley Iron and Chemical Co. *v.* Jones [1956] A.C. 627; [1956] 2 W.L.R. 479; [1956] 1 All E.R. 403. *Distinguished*, Hicks *v.* British Transport Commission [1958] 1 W.L.R. 493, C.A.

Steamship Den of Airlie Co. *v.* Mitsui & Co. (1912) 106 L.T. 451, C.A. *Distinguished*, Government of Gibraltar *v.* Kenney [1956] 2 Q.B. 410; [1956] 3 W.L.R. 467

Steane's (Bournemouth), In re [1949] W.N. 490; 66 T.L.R. (Pt. 1) 71; [1950] 1 All E.R. 21. *Applied*, In re T. W. Construction [1954] 1 W.L.R. 540

Stebbing *v.* Liverpool and London and Globe Insurance Co. [1917] 2 K.B. 433; 33 T.L.R. 395. *Applied*, Bond Air Services *v.* Hill [1955] 2 Q.B. 417; [1955] 2 W.L.R. 1194

Stebbings *v.* Holst & Co. [1953] 1 W.L.R. 603; [1953] 1 All E.R. 925. *Distinguished*, Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015, C.A.

Steed's Will Trusts, In re [1959] Ch 354; [1959] 2 W.L.R. 470; [1959] 1 All E.R. 609. *Decision of Harman J. affirmed* [1960] Ch. 407; [1960] 2 W.L.R. 474

Steedman *v.* Drinkle [1916] 1 A.C. 275; 32 T.L.R. 231. *Referred to*, Stockloser *v.* Johnson [1954] 1 Q.B. 476; [1954] 2 W.L.R. 439, C.A.

Steel Wing Co., In re [1921] 1 Ch. 349. *Followed*, Walter and Sullivan *v.* J. Murray & Sons [1955] 2 Q.B. 584; [1955] 2 W.L.R. 919, C.A.

Steignes *v.* Steignes (1730) Mos. 296. *Considered*, Walsh, In re, Walsh *v.* Walsh [1953] Ch. 473; [1953] 2 W.L.R. 686

Stephen *v.* Stephen [1931] P. 197; 47 T.L.R. 478, C.A. *Applied*, Simmonds *v.* Simmonds [1956] P. 47; [1955] 3 W.L.R. 130

Stevens *v.* Britten [1954] 1 W.L.R. 1340; [1954] 3 All E.R. 385. *Applied*, In re Hollebone's Agreement [1959] 1 W.L.R. 536, C.A.

Stephen *v.* Federal Commissioner of Land Tax (1930) 45 C.L.R. 122. *Disapproved*, Gollan *v.* Randwick Municipal Council [1961] A.C. 82; [1960] 3 W.L.R. 785

Stephens *v.* Cuckfield R. D. C. [1959] 1 Q.B. 516; [1959] 2 W.L.R. 480; [1959] 1 All E.R. 635. *Decision of Lord Parker C.J. affirmed* [1960] 2 Q.B. 373; [1960] 3 W.L.R. 248

Stevens *v.* Hutchinson [1953] Ch. 299; [1953] 2 W.L.R. 545; [1953] 1 All E.R. 699. *Applied*, Jones *v.* Challenger [1961] 1 Q.B. 176; [1960] 2 W.L.R. 695

Stephens *v.* Mysore Reefs (Kangundy) Mining Co. Ltd. [1902] 1 Ch. 745; 18 T.L.R. 327. *Not followed*, Anglo-Overseas Agencies Ltd. *v.* Green [1961] 1 Q.B. 1; [1960] 3 W.L.R. 561

Stevens *v.* Tirard [1940] 1 K.B. 204; 56 T.L.R. 65; [1939] 4 All E.R. 186, C.A. *Distinguished*, Yates (Inspector of Taxes) *v.* Starkey [1951] Ch. 45; 66 T.L.R. (Pt. 2) 443; [1950] 2 All E.R. 614. *Dicta of Clauson L.J. approved* [1951] Ch. 465; [1951] 1 T.L.R. 661; [1951] 1 All E.R. 732, C.A.

Stevenson (Hugh) & Sons *v.* Akt. für Carton-nagen-Industrie [1918] A.C. 239; 34 T.L.R. 206, H.L. *Considered*, Gordon *v.* Gonda [1955] 1 W.L.R. 885, C.A.

Stewart *v.* Stewart [1948] 1 K.B. 507, 513; 64 T.L.R. 115; [1947] 2 All E.R. 813 (C.A.). *Dicta of Tucker L.J. applied*, Short *v.* Short [1960] 1 W.L.R. 833

Steyning and Littlehampton Building Society *v.* Wilson [1951] Ch. 1018; [1951] 2 T.L.R. 424; [1951] 2 All E.R. 452. *Applied*, Alliance Building Society *v.* Pinwill [1958] Ch. 788; [1958] 3 W.L.R. 1

Stickney *v.* Keeble [1915] A.C. 386, H.L. *Applied*, Williams *v.* Greatrex [1957] 1 W.L.R. 32, C.A.

Stiklestad, The [1926] P. 205; 42 T.L.R. 720. *Applied*, The Rene (Owners) *v.* The Alenquer (Owners) [1955] 1 W.L.R. 263

Stimpson's Trusts, In re. Stimpson *v.* Stimpson [1931] 2 Ch. 77. *Distinguished*, In re Shaw's Settlement [1951] Ch. 833; [1951] Ch. 833; [1951] 1 T.L.R. 470; [1951] 1 All E.R. 656. *Distinguished*, In re Rees, decd. Lloyds Bank *v.* Rees [1954] Ch. 202; [1954] 2 W.L.R. 59

Stirling *v.* Maitland (1865) 34 L.J.Q.B. 1; 5 B. & S. 840. *Applied*, Shindler *v.* Northern Raincoat Co. Ltd. [1960] 1 W.L.R. 1038

Stoate *v.* Stoate (1861) 2 Sw. & Tr. 223. *Applied*, Squires *v.* Squires [1959] 1 W.L.R. 483

Stock *v.* Meakin [1900] 1 Ch. 683; 16 T.L.R. 284, C.A. *Distinguished*, Chivers & Sons *v.* Air Ministry [1955] Ch. 585; [1955] 3 W.L.R. 154

Stockdale *v.* Hansard (1839) 9 Ad. & E. 1. *Referred to*, In re Parliamentary Privilege Act, 1770 [1958] A.C. 331; [1958] 2 W.L.R. 912, P.C.

Stockdale *v.* Nicholson (1867) L.R. 4 Eq. 359. *Applied*, In re Kilvert, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

Stoke-on-Trent Borough Council *v.* Cheshire County Council [1915] 3 K.B. 699, D.C. *Referred to*, Isle of Wight County Council *v.* Warwickshire County Council [1953] 1 Q.B. 553; [1953] 2 W.L.R. 451, D.C.

Stokes *v.* Bennett [1953] Ch. 566; [1953] 3 W.L.R. 170; [1953] 2 All E.R. 313. *Applied*, Grosvenor Place Estates Ltd. *v.* Roberts [1960] Ch. 423; [1960] 2 W.L.R. 531

Stokes *v.* Wicher [1920] 1 Ch. 411. *Considered*, Burgess *v.* Cox [1951] Ch. 383; [1951] 1 T.L.R. 531; [1950] 2 All E.R. 1212. *Distinguished*, Timmins *v.* Moreland Street Property Co. [1958] Ch. 110; [1957] 3 W.L.R. 678, C.A.

Stone *v.* Bolton [1950] 1 K.B. 201; 65 T.L.R. 683; [1949] 2 All E.R. 851. *Reversed* [1951] A.C. 850; [1951] 1 T.L.R. 977; [1951] 1 All E.R. 1078, H.L. *Considered*, Cawood, Wharton & Co. Ltd. *v.* Samuel Williams & Sons Ltd. The Cawood III [1951] P. 270; [1951] 1 T.L.R. 924

Stone *v.* Boreham [1959] 1 Q.B. 1; [1958] 3 W.L.R. 209; [1958] 2 All E.R. 715. *Applied*, Kahn *v.* Newberry [1959] 2 Q.B. 1; [1959] 2 W.L.R. 650, D.C.

Stone (J. F.) Lighting and Radio *v.* Levitt [1947] A.C. 209; 62 T.L.R. 737; [1946] 2 All E.R. 653. *Considered*, Stratford *v.* Syrett [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733, C.A.

Stone (Thomas) Shipping *v.* Admiralty, The Albion [1952] 1 Lloyd's Rep. 104. *Affirmed* [1953] P. 117; [1953] 2 W.L.R. 807, C.A.

Stonedale No. 1 (Owners of the Dumb Barge) *v.* Manchester Ship Canal Co., The Stonedale No. 1 [1953] 1 W.L.R. 1241. *Affirmed* [1954] P. 338; [1954] 2 W.L.R. 1075; [1954] 2 All E.R. 170, C.A. *Affirmed* [1956] A.C. 1; [1955] 3 W.L.R. 203; [1955] 2 All E.R. 689, H.L. *Applied*, The Kirknes [1957] P. 51; [1957] 2 W.L.R. 21

Stoomvaart Maatschappij Nederland, The *v.* P. & O. Steam Navigation Co. (1882) 7 App.Cas. 795, H.L. *Considered*, The Liverpool (No. 2) [1960] 2 W.L.R. 541

Stopes *v.* Sutherland, 1924 House of Lords Printed Cases, p. 375. *Applied*, Silkin *v.* Beaverbrook Newspapers [1958] 1 W.L.R. 743

Stotesbury *v.* Turner [1943] 1 K.B. 370. *Referred to*, Smeaton Hanscomb & Co. *v.* Sassoon I. Setty, Son & Co. (No. 2) [1953] 1 W.L.R. 1481

Stott *v.* Arrol (Sir William) & Co. [1953] 2 Q.B. 92; [1953] 3 W.L.R. 166; [1953] 2 All E.R. 416. *Considered*, Flowers *v.* George Wimpey & Co. [1956] 1 Q.B. 73; [1955] 3 W.L.R. 426

Stow Bardolph Gravel Co. *v.* Poole [1954] 1 W.L.R. 1058; [1954] 2 All E.R. 661. *Reversed* [1954] 1 W.L.R. 1503; [1954] 3 All E.R. 637. *Followed*, Hood Barrs *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 529, H.L. *Applied*, H. J. Rorke Ltd. *v.* Inland Revenue Commissioners [1960] 3 W.L.R. 1132

Stowell *v.* Railway Executive [1949] 2 K.B. 519; 65 T.L.R. 387; [1949] 2 All E.R. 193. *Distinguished*, Blackman *v.* Railway Executive [1953] 1 W.L.R. 2, C.A.

Stradling *v.* Higgins [1932] 1 Ch. 143. *Distinguished*, Rogers *v.* Lewisham Borough Council [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718, C.A.

Strang, Steel & Co. *v.* A. Scott & Co. (1889) 14 App.Cas. 601; 5 T.L.R. 705. *Applied*, Goulandris Brothers *v.* B. Goldman & Sons [1958] 1 Q.B. 74; [1957] 3 W.L.R. 597

Stransky *v.* Stransky [1954] P. 428; [1954] 3 W.L.R. 123; [1954] 2 All E.R. 536. *Followed*, Lewis *v.* Lewis [1956] 1 W.L.R. 200

Strathfillan S.S. Owners *v.* Ikala S.S. Owners, The Ikada [1929] A.C. 196, H.L. *Applied*, Dirphys (Owners) *v.* Soya (Owners). The Soya [1955] 1 W.L.R. 1247. *Distinguished*, Lord Citrine (Owners) *v.* Hebridean Coast (Owners). The Hebridean Coast [1959] 3 W.L.R. 569

Stratton's Disclaimer, In re [1957] 1 Ch. 132; [1956] 3 W.L.R. 1054; [1956] 3 All E.R. 862. *Decision of Danckwerts J. affirmed* [1958] Ch. 42; [1957] 3 W.L.R. 199, C.A.

Street *v.* British Electricity Authority [1952] 2 Q.B. 399; [1952] 1 T.L.R. 799; [1952] 1 All E.R. 679. *Applied*, Walsh *v.* Allweather Mechanical Grouting Co. [1959] 2 Q.B. 300; [1959] 3 W.L.R. 1, C.A.

Street *v.* Denham [1954] 1 W.L.R. 624; [1954] 1 All E.R. 532. *Applied*, Westminster Bank *v.* Lee [1955] 3 W.L.R. 376. *Referred to*, Churcher *v.* Street [1959] Ch. 251; [1959] 2 W.L.R. 66

Stretton's Derby Brewery Co. *v.* Derby Corporation [1894] 1 Ch. 431; 10 T.L.R. 94. *Applied*, Smeaton *v.* Ilford Corporation [1954] Ch. 450; [1954] 2 W.L.R. 668

Strick *v.* Longdon (1953) 34 T.C. 528. *Considered*, Tollemache Settled Estates Trustees *v.* Coughtrie [1960] Ch. 475; [1960] 2 W.L.R. 825

Strickland (Lord) *v.* Grima [1930] A.C. 285; sub nom. Parnis *v.* Agius, 46 T.L.R. 194, P.C. *Applied*, Senanayake *v.* Navaratne [1954] A.C. 640; [1954] 3 W.L.R. 336, P.C.

Stringer *v.* Automatic Woodturning Co. [1955] 1 W.L.R. 971. *Reversed* [1956] 1 W.L.R. 138; [1956] 1 All E.R. 327, C.A. *Varied*, sub nom. Automatic Woodturning Co. *v.* Stringer [1957] A.C. 544; [1957] 2 W.L.R. 203, H.L.

Stringer *v.* Stringer [1952] P. 171; [1952] 1 T.L.R. 415; [1952] 1 All E.R. 373, D.C. *Followed*, Starkie *v.* Starkie [1954] 1 W.L.R. 98. *Applied*, Lilley *v.* Lilley [1958] 3 W.L.R. 728, D.C. Jones *v.* Jones [1958] 3 W.L.R. 635, D.C.

Strong *v.* Bird (1874) L.R. 18 Eq. 315. *Referred to*, In re Wale, decd. [1956] 1 W.L.R. 1347

Strong & Co. of Romsey *v.* Woodifield [1906] A.C. 448; 22 T.L.R. 754, H.L. *Considered*, Morgan (Inspector of Taxes) *v.* Tate & Lyle [1953] Ch. 601; [1953] 3 W.L.R. 1; [1955] A.C. 21; [1954] 3 W.L.R. 85, H.L.

Strongman (1945) *v.* Sincock [1955] 2 Q.B. 525; [1955] 3 W.L.R. 360; [1955] 3 All E.R. 90, C.A. *Distinguished*, Townsend (Builders) *v.* Cinema News & Property Management [1959] 1 W.L.R. 119, C.A.

Studebaker Distributors *v.* Charlton Steamship Co. [1938] 1 K.B. 459; 54 T.L.R. 77; [1937] 4 All E.R. 304. *Applied*, British Imex Industries *v.* Midland Bank [1958] 1 Q.B. 542; [1958] 2 W.L.R. 104

Stumore *v.* Campbell & Co. [1892] 1 Q.B. 314; 8 T.L.R. 99, C.A. *Dicta of Lord Esher, applied*, Hanak *v.* Green [1958] 2 Q.B. 9; [1958] 2 W.L.R. 755, C.A.

Stump *v.* Gaby (1852) 2 De G.M. & G. 623, L.C. *Referred to*, In re Sherman, decd., In re Walters, decd. [1954] Ch. 653; [1954] 2 W.L.R. 903

Stunt *v.* Jones. *See* In re Jones' Settlement.

Sturgess *v.* Pearson (1819) 4 Madd. 411. *Distinguished*, In re Douglas' Will Trusts. Lloyds Bank *v.* Nelson [1959] 1 W.L.R. 1212, C.A.

Sturla *v.* Freccia (1880) App.Cas. 623. *Dictum of Lord Blackburn applied*, Thrasyvoulos Ioannou *v.* Papa Christoforos Demetriou [1952] A.C. 84; [1951] 2 T.L.R. 1177, P.C.

Style *v.* Style [1953] 3 W.L.R. 613; [1953] 2 All E.R. 836. *Varied* [1954] P. 209; [1954] 2 W.L.R. 306, C.A.

Style *v.* Style and Keiller [1954] P. 209; [1954] 2 W.L.R. 306; [1954] 1 All E.R. 442. *Considered*, Fildes *v.* Simkin [1960] P. 70; [1960] 2 W.L.R. 1, 7

Styler, In re, Styler *v.* Griffith [1942] Ch. 387; [1942] 2 All E.R. 201. *Applied*, Howell, In re, Howell *v.* Lloyds Bank [1953] 1 W.L.R. 1034, C.A.

Subramaniam *v.* Public Prosecutor [1956] 1 W.L.R. 965. *Applied*, Reg. *v.* Willis [1960] 1 W.L.R. 55

Subramanian *v.* Reg. [1956] 1 W.L.R. 456, P.C. *Referred to*, Samaratunga *v.* The Queen [1958] A.C. 424; [1958] 3 W.L.R. 4, P.C.

Sudeley (Lord) *v.* Attorney-General [1897] A.C. 11; 13 T.L.R. 38, H.L. *Explained*, Cunliffe-Owen, In re, Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120, C.A. *Considered*, Philipson-Stow *v.* Inland Revenue Commissioners [1960] Ch. 313; [1960] 2 W.L.R. 32, 47

Sudeley's (Lord) Settled Estates, In re (1887) 37 Ch.D. 123; 4 T.L.R. 139. *Distinguished*, In re Sandbach, decd. [1951] Ch. 294; 66 T.L.R. (Pt. 2) 1089; [1950] 2 All E.R. 1195. *Disapproved*, In re Sandbach, decd. [1951] Ch. 791; [1951] 1 T.L.R. 911; [1951] 1 All E.R. 971, C.A.

Suffield *v.* Brown (1864) 4 De G.J. & S. 185. *Followed*, In re Webb's Lease. Sandom *v.* Webb [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131, C.A.

Suffield and Watts, In re, ex parte Brown (1888) 20 Q.B.D. 693, C.A. *Dicta applied*, In re Harrison's Share under a Settlement, Harrison *v.* Harrison [1954] 3 W.L.R. 156

Sugden *v.* St. Leonards (Lord) (1876) 1 P.D. 154, C.A. *Followed*, Wipperman, In re, Wissler *v.* Wipperman [1955] P. 59; [1953] 2 W.L.R. 706

Sugden *v.* Sugden [1956] 3 W.L.R. 1010; [1956] 3 All E.R. 874. *Reversed* [1957] P. 120; [1957] 2 W.L.R. 210, C.A. *Dicta of Denning L.J. applied*, Kelly *v.* Kelly and Brown [1960] 3 W.L.R. 822

Sullivan *v.* Sullivan [1947] P. 50. *Applied*, Starkie *v.* Starkie [1953] 1 W.L.R. 1396, D.C.

Summers (John) & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 825; [1955] 1 All E.R. 870, H.L. *Applied*, Stringer *v.* Automatic Woodturning Co. [1956] 1 W.L.R. 139, C.A.; sub nom. Automatic Woodturning Co. *v.* Stringer [1957] 2 W.L.R. 203, H.L. Quintas *v.* National Smelting Co. Ltd. [1960] 1 W.L.R. 217. *Dictum of Lord Reid applied*, Dunn *v.* Birds Eye Foods [1959] 2 Q.B. 265; [1959] 2 W.L.R. 812, D.C.

Sumpton *v.* Downing (1947) 75 C.L.R. 76. *Distinguished*, McDonnell *v.* Neil [1951] A.C. 342; [1951] T.L.R. 642, P.C.

Sunderland Marine Insurance Co. *v.* Kearney (1851) 16 Q.B. 925. *Applied*, Chelsea and Walham Green Building Society *v.* Armstrong [1951] Ch. 853; [1951] 2 T.L.R. 312; [1951] 2 All E.R. 250

Sun Insurance Office *v.* Clark [1912] A.C. 443; 28 T.L.R. 303, H.L. *Applied*, Southern Railway of Peru *v.* Owen (Inspector of Taxes) [1957] A.C. 334; [1956] 3 W.L.R. 390, H.L.

Sun Life Assurance Society *v.* Davidson; Phoenix Assurance Co. *v.* Logan [1956] 2 W.L.R. 71; [1955] 3 All E.R. 552. *Decision of Harman J. affirmed* [1956] Ch. 524; [1956] 3 W.L.R. 239, C.A.

Sunmonu *v.* Disu Raphael [1927] A.C. 881. *Referred to*, Adeyinka Oyekan *v.* Musendiku Adele [1957] 1 W.L.R. 877, P.C.

Sunnyfield, In re [1932] 1 Ch. 79. *Considered*, In re Freeman-Thomas Indenture. In re Ratten Estate [1957] 1 W.L.R. 560

Suppaiya *v.* Ponniah (1909) 14 C.N.L.R. 475. *Disapproved*, Selvanayagam *v.* The King [1951] A.C. 83, P.C.

Surrey Revenue Officer *v.* Clarkson; Rotherham Revenue Officer *v.* Rotherham Co-operative Society [1931] 2 English Derating Appeals 53. *Applied*, Fatstock Marketing Corporation *v.* Morgan (Valuation Officer) [1958] 1 W.L.R. 357, C.A.

Surrey (Revenue Officer) *v.* Gridley Miskin & Co. (1931) 2 Eng. De-Rating Cas. 236. *Distinguished*, Dolton Bournes & Dolton *v.* Osmond (Valuation Officer) [1955] 1 W.L.R. 621, C.A.

Susquehanna, The [1926] A.C. 655; 42 T.L.R. 639. *Applied*, Lord Citrine (Owners) *v.* The Hebridean Coast (Owners). The Hebridean Coast [1960] 3 W.L.R. 29

Sussex Peerage Case (1844) 11 Cl. & Fin. 85, H.L. *Considered*, Prince Ernest of Hanover *v.* Attorney-General [1955] Ch. 440; [1955] 3 W.L.R. 869, C.A.

Sutherland, decd., In re [1960] 1 Ch. 134; [1959] 3 W.L.R. 543; [1959] 2 All E.R. 682. *Decision of Danckwerts J. affirmed* [1960] Ch. 611; [1960] 3 W.L.R. 491

Sutherland Settlement Trusts, In re [1953] Ch. 792; [1953] 2 W.L.R. 1163; [1953] 2 All E.R. 27. *Applied*, In re Pelly's Will Trusts, Ransome *v.* Pelly [1956] Ch. 81; [1955] 3 W.L.R. 696

Sutton, In re, Lewis *v.* Sutton [1901] 2 Ch. 640; 17 T.L.R. 703. *Observations of Buckley J. applied*, In re Sanders' Will Trusts, Public Trustee *v.* McLaren [1954] Ch. 265; [1954] 2 W.L.R. 487

Sutton's Contract, In re (1920) 65 S.J. 259. *Considered*, Robshaw Brothers *v.* Mayer [1957] Ch. 125; [1956] 1 W.L.R. 1049

Swain, In re [1908] W.N. 209, 210; 24 T.L.R. 882, 883; 98 L.T. 604, 606. *Considered*, In re Levy, decd. [1960] Ch. 346; [1960] 2 W.L.R. 278, 288, 292

Swallow and Pearson *v.* Middlesex County Council [1953] 1 W.L.R. 422; [1953] 1 All E.R. 580. *Applied*, Mounsdon *v.* Weymouth and Melcombe Borough Council [1960] 1 Q.B. 645; [1960] 2 W.L.R. 484

Swan *v.* Swan [1953] P. 258; [1953] 3 W.L.R. 591; [1953] 2 All E.R. 854, C.A. *Dictum of Hodson L.J. applied*, Palmer *v.* Palmer [1955] P. 4; [1954] 3 W.L.R. 756, C.A.

Swanson *v.* Forton [1949] Ch. 143; 65 T.L.R. 178; [1949] 1 All E.R. 135. *Distinguished*, Thomas Bookman *v.* Northan [1955] 1 W.L.R. 815, C.A.

Swanson's Agreement, In re, 62 T.L.R. 719; [1946] 2 All E.R. 628. *Distinguished*, Wallis *v.* Semark [1951] 2 T.L.R. 222, C.A.

Swedish Central Railway Co. *v.* Thompson [1925] A.C. 495; 41 T.L.R. 385, H.L. *Referred to*, Davies *v.* British Geon [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Sweeny *v.* Sweeny (1876) I.R. 60 C.L. 375. *Followed*, Egerton *v.* Rutter [1951] 1 K.B. 472; [1951] 1 T.L.R. 58

Swinburne, In re (1884) 27 Ch.D. 696. *Questioned*, In re Knight, decd. In re Wynn, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Swiszczowski *v.* Swiszczowski [1959] 1 W.L.R. 187; [1959] 1 All E.R. 495. *Overruled*, Blacker *v.* Blacker [1960] P. 146; [1960] 2 W.L.R. 800

Swymer *v.* Swymer [1954] 1 W.L.R. 1329; [1954] 3 All E.R. 114. *Reversed* [1955] P. 11; [1954] 3 W.L.R. 803, C.A. *Distinguished*, Mesure *v.* Mesure [1960] P. 184; [1960] 3 W.L.R. 78

Sykes *v.* North Eastern Railway Co. (1875) 44 L.J.C.P. 191. *Applied*, Burgess *v.* Florence Nightingale Hospital for Gentlewomen [1955] 1 Q.B. 349; [1955] 2 W.L.R. 534

Sykes *v.* Sykes (1868) 3 Ch.App. 301, L.C. *Applied*, In re Midgley, decd., Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119

Symon & Co. *v.* Palmer's Stores (1903) [1912] 1 K.B. 259. *Distinguished*, Les Fils Dreyfus et Cie Société Anonyme *v.* Clarke [1958] 1 W.L.R. 300, C.A.

Symonds *v.* Hallett (1883) 24 Ch.D. 346, C.A. *Considered*, Gorulnick *v.* Gorulnick [1958] P. 47; [1958] 2 W.L.R. 58, C.A.

Syndic in Bankruptcy of Salim Nasrallah Khoury *v.* Khayat [1943] A.C. 507; [1943] 2 All E.R. 406. *Applied*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Synge *v.* Synge [1894] 1 Q.B. 466; 10 T.L.R. 194, C.A. *Applied*, Parker *v.* Clark [1960] 1 W.L.R. 286

T. —— (Infants), In re [1953] Ch. 787; [1953] 3 W.L.R. 619; [1953] 2 All E.R. 830. *Approved*, In re W. —— (Infants) [1956] Ch. 384; [1956] 2 W.L.R. 494, C.A.

Tabor *v.* Godfrey (1895) 64 L.J.Q.B. 245. *Followed*, Perrott (J. F.) & Co. Ltd. *v.* Cohen [1951] 1 K.B. 705; [1950] 2 All E.R. 939, C.A.

Taczanowska (orse. Roth) *v.* Taczanowski [1956] 3 W.L.R. 935; [1956] 3 All E.R. 457. *Reversed* [1957] P. 301; [1957] 3 W.L.R. 141; [1957] 2 All E.R. 563. *Considered*, Kochanski *v.* Kochanska [1958] P. 147; [1957] 3 W.L.R. 619

Taff Vale Railway Co. *v.* Amalgamated Society of Railway Servants [1901] A.C. 426; 17 T.L.R. 698. *Applied*, Longdon-Griffiths *v.* Smith [1951] 1 K.B. 295; 66 T.L.R. (Pt. 2) 627; [1950] 2 All E.R. 662. *Distinguished*, Bonsor *v.* Musicians' Union [1954] Ch. 479; [1954] 2 W.L.R. 687; [1956] A.C. 104; [1955] 3 W.L.R. 788, H.L.

Tahiti Cotton Co., In re (1873) 17 Equ. 273. *Considered*, Windsor Refrigerator Co. Ltd. *v.* Branch Nominees Ltd. [1961] Ch. 88; [1960] 3 W.L.R. 108

Tailby *v.* Official Receiver (1888) 13 App.Cas. 523; 4 T.L.R. 726. *Considered*, Syrett *v.* Egerton [1957] 1 W.L.R. 1131

Tait *v.* Smith (1954) 35 T.C. 79. *Considered*, Abbott *v.* Philbin [1960] Ch. 27; [1960] 3 W.L.R. 255

Talbot, In re [1933] Ch. 895; 49 T.L.R. 462. *Applied*, In re Cooper's Conveyance Trusts, Crewdson *v.* Bagot [1956] 1 W.L.R. 1097

Talbot-Ponsonby's Estate, In re, Talbot-Ponsonby *v.* Talbot-Ponsonby, 54 T.L.R. 33; [1937] 4 All E.R. 309. *Considered*, In re Brace, Gurton *v.* Clements [1954] 1 W.L.R. 955

Tamplin (F. A.) Steamship Co. *v.* Anglo-Mexican Petroleum Products Co. [1916] 2 A.C. 397; 32 T.L.R. 677, H.L. *Applied*, Davis Contractors Ld. *v.* Fareham Urban District Council [1955] 1 Q.B. 302; [1955] 2 W.L.R. 388; [1956] 3 W.L.R. 38, C.A.

Tangye *v.* Tangye [1914] P. 201; 30 T.L.R. 649. *Applied*, Pigott *v.* Pigott [1958] P. 1; [1957] 3 W.L.R. 781, C.A.

Tannenbaum *v.* Connecticut Fire Insurance Co. (1937) 193 Atlantic Rptr. 305, at 308. *Considered*, Boiler Inspection and Insurance Company of Canada *v.* Sherwin-Williams Company of Canada Ltd. [1951] A.C. 319; [1951] 1 T.L.R. 497, P.C.

Tantalus (Master and Crew) *v.* Telemachus. Her Cargo and Freight (Owners). The Telemachus [1957] P. 47; [1957] 2 W.L.R. 200; sub nom. Telemachus, The Tantalus (Owners, Master and Crew) *v.* Telemachus (Owners) [1957] 1 All E.R. 72. *Not followed*, The Makedonia [1958] 1 Q.B. 365; [1958] 2 W.L.R. 256

Tapscott *v.* Balfour (1872) L.R. 8 C.P. 46. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Tarrabochia *v.* Hickie (1856) 1 H. & N. 183. *Considered*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714

Tassell *v.* Hallen [1892] 1 Q.B. 321; 8 T.L.R. 210. *Applied*, Matthews *v.* Kuwait Bechtel Corporation [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702, C.A.

Tatam *v.* Reeve [1893] 1 Q.B. 44; 9 T.L.R. 39, D.C. *Followed*, MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111; [1950] 2 All E.R. 1240, C.A.

Tatem Steam Navigation Co. *v.* Inland Revenue Commissioners [1941] 2 K.B. 194; 57 T.L.R. 622; [1941] 2 All E.R. 616, C.A. *Considered*, Commissioners of Income Tax *v.* Bjordal [1955] A.C. 309; [1955] 2 W.L.R. 343, P.C.

Tatem (W. J.) Ltd. *v.* Gambon [1939] 1 K.B. 132; [1938] 3 All E.R. 135. *Considered*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Taxation of Costs, In re, In re A Solicitor [1943] Ch. 48; 59 T.L.R. 68; [1943] 1 All E.R. 157. *Approved*, Polak *v.* Marchioness of Winchester [1956] 1 W.L.R. 818, C.A.

Taxation Commissioners *v.* Teece [1899] A.C. 254. *Distinguished*, Longsdon *v.* Minister of Pensions and National Insurance [1956] 1 Q.B. 587; [1956] 2 W.L.R. 177

Taylor *v.* Bowers (1876) 1 Q.B.D. 921. *Distinguished*, Bigos *v.* Bousted [1951] 1 All E.R. 92. *Considered*, Kiriri Cotton Co. Ltd. *v.* Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127, 132

Taylor *v.* Brewer (1813) 1 M. & S. 290; 105 E.R. 108. *Considered*, Powell *v.* Braun [1954] 1 W.L.R. 401, C.A.

Taylor *v.* Crowland Gas & Coke Co. (1855) 11 Exch. 1. *Applied*, Davies *v.* British Geon [1956] 1 W.L.R. 770; *distinguished* [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Taylor *v.* Ellerman's Wilson Line and Amos & Smith [1952] 1 Lloyd's Rep. 144. *Distinguished*, Hinley *v.* J. Sanders & Co. [1955] 1 W.L.R. 471

Taylor *v.* Goodwin (1879) 4 Q.B.D. 228. *Applied*, Corkery *v.* Carpenter [1951] 1 K.B. 102; 66 T.L.R. (Pt. 2) 333; [1950] 2 All E.R. 745, D.C.

Taylor *v.* Hollard [1902] 1 K.B. 676; 18 T.L.R. 287. *Distinguished*, Kohnke *v.* Karger [1951] 2 K.B. 670; [1951] 2 T.L.R. 40; [1951] 2 All E.R. 179

Taylor *v.* Inland Revenue Commissioners [1946] 1 All E.R. 488n., C.A. *Applied*, Inland Revenue Commissioners *v.* Nicolson and Bartlett [1953] 1 W.L.R. 809

Taylor *v.* John Lewis, 1927 S.C. 891. *Distinguished*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Taylor *v.* National Assistance Board [1957] P. 101; [1957] 2 W.L.R. 189; [1957] 1 All E.R. 183. *Decision of the Court of Appeal affirmed* [1958] A.C. 532; [1958] 2 W.L.R. 12, H.L.

Taylor *v.* Needham (1810) 2 Taunt. 278. *Applied*, Hopgood *v.* Brown [1955] 1 W.L.R. 213

Taylor *v.* Sims & Sims, 58 T.L.R. 339; [1942] 2 All E.R. 375. *Applied*, Cilia *v.* H. M. James & Son (A firm), Spark (Third Party) [1954] 1 W.L.R. 721. *Explained*, Wilson *v.* Tyneside Window Cleaning Co. [1958] 2 Q.B. 110; [1958] 2 W.L.R. 900, C.A.

Taylor *v.* Taylor (1875) L.R. 20 Eq. 155. *Considered*, In re Hayward, decd. [1956] 1 W.L.R. 1490; [1957] Ch. 528; [1957] 3 W.L.R. 51, C.A.

Taylor *v.* Taylor [1938] 1 K.B. 320; 53 T.L.R. 942; [1937] 3 All E.R. 571, C.A. *Applied*, The Norseman [1957] P. 244; [1957] 3 W.L.R. 263

Taylor *v.* Webb [1937] 2 K.B. 283; 53 T.L.R. 377; [1937] 1 All E.R. 590. *Distinguished*, Brown *v.* Davies [1958] 1 Q.B. 117; [1957] 3 W.L.R. 819, C.A. *Doubted*, Regis Property Co. *v.* Dudley [1958] 1 Q.B. 346; [1958] 3 W.L.R. 647, H.L. *Distinguished*, Holiday Fellowship *v.* Viscount Hereford [1959] 1 W.L.R. 211, C.A.

Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 290; [1956] 2 All E.R. 455. *Reversed* [1957] P. 101; [1957] 2 W.L.R. 190

Teale *v.* Williams [1914] 3 K.B. 395, D.C. *Disapproved*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Teape's, In re (1873) L.R. 16 Eq. 442. *Questioned*, In re Knight, decd. In re Wynn, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Technaloy, Ex parte. *See* R. *v.* Industrial Disputes Tribunal.

Tegg, In re [1936] 2 All E.R. 878. *Distinguished*, Allen, decd., In re, Faith *v.* Allen [1953] Ch. 810; [1953] 3 W.L.R. 637, C.A.

Tendring Union *v.* Woolwich Union [1923] 1 K.B. 121; 36 T.L.R. 512, D.C. *Considered*, Minister of Health *v.* General Committee of the Royal Midland Counties' Home for Incurables [1954] 1 W.L.R. 79

Tennant *v.* London County Council (1957) 55 L.G.R. 421, C.A. *Applied*, Stylo Shoes Ltd. *v.* Prices Tailors Ltd. [1960] Ch. 396; [1960] 2 W.L.R. 8

Tennant *v.* Smith [1892] A.C. 150; 8 T.L.R. 434, H.L.; 3 T.C. 158, 161. *Dictum of Lord M'Naghten applied*, Wilkins *v.* Rogerson [1960] Ch. 437; [1960] 2 W.L.R. 515. *Considered*, Abbott *v.* Philbin [1960] Ch. 27; [1960] 3 W.L.R. 255

Tennant's Application, In re, [1956] 1 W.L.R. 128; [1956] 1 All E.R. 425. *Affirmed*, In re Tennant's Application [1956] 1 W.L.R. 874, C.A.

Teofani & Co. *v.* Teofani, In re Teofani & Co.'s Trade Mark [1913] 2 Ch. 545; 29 T.L.R. 674, C.A. *Considered*, Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

Teper *v.* The Queen [1952] A.C. 480; [1952] 2 T.L.R. 162; [1952] 2 All E.R. 447, P.C. *Applied*, Chan Kau alias Chan Kai *v.* The Queen [1955] A.C. 206; [1955] 2 W.L.R. 193, P.C.

Termagant, The (1914) 30 T.L.R. 377. *Distinguished*, Pyrene Co. *v.* Scindia Navigation Co. [1954] 2 Q.B. 402; [1954] 2 W.L.R. 1005

Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331; [1953] 2 All E.R. 490. *Dicta of Lord Goddard C.J. applied*, Riordan *v.* War Office [1959] 1 W.L.R. 1046

Teutonia, The. *See* Duncan *v.* Köster.

Tharsis Sulphur and Copper Co. *v.* Morel Bros. & Co. [1891] 2 Q.B. 647; 7 T.L.R. 704, C.A. *Considered*, Reardon Smith Line *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 Q.B. 439; [1959] 3 W.L.R. 665

Thatcher *v.* Great Western Railway Co. (1893) 10 T.L.R. 13, C.A. *Applied*, Hare *v.* British Transport Commission [1956] 1 W.L.R. 250

Thatcher *v.* Thatcher [1959] 1 W.L.R. 730; [1959] 2 All E.R. 649. *Overruled*, Blacker *v.* Blacker [1960] P. 146; [1960] 2 W.L.R. 800

Théberge *v.* Laudry (1876) 2 App.Cas. 102, P.C. *Applied*, Senanayake *v.* Navaratne [1954] A.C. 640; [1954] 3 W.L.R. 336, P.C.; Patterson *v.* Solomon [1960] A.C. 579; [1960] 2 W.L.R. 685

Theocharides *v.* Joannou [1955] 1 W.L.R. 296; [1955] 1 All E.R. 615. *Considered*, Rolph *v.* Marston Valley Brick Co. [1956] 2 Q.B. 18; [1956] 2 W.L.R. 930

Thero *v.* Wijewardena (1957) 59 N.L.R. 121. *Judgment of the Supreme Court of Ceylon affirmed* [1960] A.C. 842; [1960] 2 W.L.R. 954

Thomas *v.* Attorney-General (1921) *See* In re Welsh Hospital (Netley) Fund

Thomas *v.* Attorney-General [1937] Ch. 72; [1936] 2 All E.R. 1325. *Distinguished*, Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 291

Thomas *v.* Bradbury, Agnew & Co. Ltd. [1906] 2 K.B. 627; 22 T.L.R. 656, C.A. *Distinguished*, Longdon-Griffiths *v.* Smith [1951] 1 K.B. 295; 66 T.L.R. (Pt. 2) 627; [1950] 2 All E.R. 662

Thomas *v.* Commissioner for Registration of Indian and Pakistani Residents (1953) 55 N.L.R. 40. *Approved*, Tennekoon *v.* Duraisamy [1958] A.C. 354; [1958] 2 W.L.R. 994, P.C.

Thomas *v.* Dowager Duchess of Hamilton (1886) 17 Q.B.D. 592; 2 T.L.R. 905, C.A. *Considered*, Vitkovice Horni A Hutni Tezirstvo *v.* Korner [1951] A.C. 869; [1951] 2 T.L.R. 188; [1951] 2 All E.R. 334, H.L.

Thomas *v.* Howell (1874) L.R. 18 Eq. 198. *Questioned*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

Thomas *v.* Marshall [1952] 1 T.L.R. 1419; [1952] 2 All E.R. 32, C.A. *Affirmed* [1953] A.C. 543; [1953] 2 W.L.R. 944, H.L.

Thomas & Co. *v.* Portsea S.S. Co. [1912] A.C. 1, H.L. *Applied*, Anglo-Saxon Petroleum Co. *v.* Adamastos Shipping Co. [1957] 2 W.L.R. 510

Thomas (Richard) and Baldwins *v.* Cummings. *See* Cummings *v.* Thomas (Richard) and Baldwins.

Thomas (Richard) & Co. *v.* County Valuation Committee and Assessment Committee, 60 T.L.R. 298; [1944] 1 All E.R. 417. *Applied*, B.P. Refinery (Kent) *v.* Walker (Valuation Officer) [1957] 2 Q.B. 305; [1957] 2 W.L.R. 908, C.A.

Thomasset *v.* Thomasset [1894] P. 295. *Distinguished* Le Mare *v.* Le Mare [1960] 2 W.L.R. 952

Thompson, In re [1936] Ch. 676; [1936] 2 All E.R. 141. *Considered*, In re Martin, decd., Midland Bank Executor and Trustee Co. *v.* Marfleet [1955] Ch. 698; [1955] 2 W.L.R. 1029

Thompson *v.* Earthy [1951] 2 K.B 596; [1951] 2 T.L.R. 82; [1951] 2 All E.R. 235; 49 L.G.R. 647. *Decision followed*, Churcher *v.* Street [1959] Ch. 251; [1959] 2 W.L.R. 66

Thompson *v.* London, Midland & Scottish Railway Co. [1930] 1 K.B. 41, C.A. *Applied*, Goodyear Tyre and Rubber Co. (Great Britain) *v.* Lancashire Batteries [1958] 1 W.L.R. 857, C.A.

Thompson *v.* Milk Marketing Board [1952] 2 Q.B. 817; [1952] 2 T.L.R. 231; [1952] 2 All E.R. 344, C.A. *Distinguished*, Perrins *v.* Draper [1953] 1 W.L.R. 1178, C.A. *Followed*, National Pig Progeny Testing Board *v.* Greenall [1960] 1 W.L.R. 1265

Thompson *v.* Simpson (1881) 50 L.J.Ch. 461. *Considered*, In re Thirlwell, decd. Evans *v.* Thirlwell [1958] Ch. 146; [1957] 3 W.L.R. 851

Thompson *v.* Thompson (1901) 17 T.L.R. 572. *Approved*, Cooper *v.* Cooper [1955] P. 99; [1954] 3 W.L.R. 867

Thompson *v.* Thompson [1956] P. 414; [1956] 2 W.L.R. 814; [1956] 1 All E.R. 603. *Considered*, N. *v.* N., L. *v.* L., C. *v.* C. [1957] P. 385; [1957] 2 W.L.R. 478

Thompson *v.* Thompson [1957] P. 19; [1957] 2 W.L.R. 138; [1957] 1 All E.R. 161, C.A. *Explained*, Bernard *v.* Bernard [1958] 1 W.L.R. 1275. *Applied*, Fisher *v.* Fisher [1960] P. 36; [1959] 3 W.L.R. 471, C.A.

Thompson (W. L.) *v.* Robinson (Gunmakers) [1955] Ch. 177; [1955] 2 W.L.R. 185; [1955] 1 All E.R. 154. *Considered*, Charter *v.* Sullivan [1957] 2 Q.B. 117; [1957] 2 W.L.R. 528, C.A.

Thomson *v.* Cremin [1956] 1 W.L.R. 103n.; [1953] 2 All E.R. 1185, H.L. *Discussed*, Davie *v.* New Merton Board Mills [1958] 1 Q.B. 210; [1958] 2 W.L.R. 22, C.A. *Referred to*, Green *v.* Fibreglass [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71. *Distinguished*, Davie *v.* New Merton Board Mills [1959] A.C. 604; [1959] 2 W.L.R. 331, H.L.

Thomson *v.* Knights [1947] K.B. 336; 63 T.L.R. 38; [1947] 1 All E.R. 112, D.C. *Explained*, Armstrong *v.* Clark [1957] 2 Q.B. 391; [1957] 2 W.L.R. 400, D.C.

Thomson *v.* Moyse [1958] 1 W.L.R. 1063; [1958] 3 All E.R. 225. *Decision of Wynn-Parry J. affirmed* [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A. *Decision of the Court of Appeal reversed* [1960] 3 W.L.R. 929

Thomson *v.* Somerville, 1917 S.C.(J.) 3. *Followed*, Fine-Fare *v.* Brighton Corporation [1959] 1 W.L.R. 223. *Followed*, Fine-Fare *v.* Brighton Corporation [1959] 1 W.L.R. 223–224, D.C.

Thomson *v.* South Eastern Railway Co. (1882) 9 Q.B.D. 320. *Applied*, W. Lusty & Sons *v.* Morris Wilkinson & Co. (Nottingham) [1954] 1 W.L.R. 911

Thomson *v.* University of London (1864) 10 Jur.(N.S.) 669; 33 L.J.Ch. 625. *Considered*, R. *v.* Dunsheath. Ex parte Meredith [1951] 1 K.B. 127; 66 T.L.R. (Pt. 2) 584; [1950] 2 All E.R. 741, D.C.

Thomson's Mortgage Trusts, In re [1920] 1 Ch. 508. *Distinguished*, In re s. 105, Law of Property Act, 1925 [1951] Ch. 378; [1951] 1 T.L.R. 441; C. & M. Matthews Ltd. *v.* Marsden Building Society [1951] Ch. 758; [1951] 1 T.L.R. 1114; [1951] 1 All E.R. 1053, C.A.

Thorley, In re, Thorley *v.* Massam [1891] 2 Ch. 613; 7 T.L.R. 479, C.A. *Applied*, Commissioner of Stamp Duties of New South Wales *v.* Pearse [1954] A.C. 91; [1954] 2 W.L.R. 5

Thornhill, In re, Thornhill *v.* Nixon [1904] W.N. 112, C.A. *Distinguished*, In re George Whichelow, Bradshaw *v.* Orpen [1954] 1 W.L.R. 5

Thorogood *v.* Thorogood. *The Times*, October 20, 1955. *Disapproved*, Taylor (formerly Kraupl) *v.* National Assistance Board [1957] P. 101; [1957] 2 W.L.R. 190. *Approved and Distinguished*, Taylor *v.* National Assistance Board [1958] A.C. 532; [1958] 2 W.L.R. 12, H.L.

Thorpe *v.* Bestwick (1881) 6 Q.B.D. 311. *Considered*, In re Royce's Will Trusts [1958] 3 W.L.R. 676. *Applied*, In re Royce's Will Trusts. Tildesley *v.* Tildesley [1959] Ch. 626; [1959] 3 W.L.R. 254, C.A.

Thorpe *v.* Fasey [1949] Ch. 649; 65 T.L.R. 561; [1949] 2 All E.R. 393. *Considered*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 715

Three Motor Gunboats, The (1917) Ll.P.C. 106. *Applied*, The Hermes [1951] P. 347; [1951] 2 T.L.R. 54

Thurogood *v.* Van den Berghs & Jurgens [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; sub nom. Thorogood *v.* Van den Berghs & Jurgens [1951] 1 All E.R. 682. *Distinguished*, Walsh *v.* Allweather Mechanical Grouting Co. [1959] 2 Q.B. 300; [1959] 3 W.L.R. 1, C.A.

Thurtell *v.* Beaumont (1823) 1 Bing. 339. *Disapproved*, Hornal *v.* Neuberger Products [1957] 1 Q.B. 247; [1956] 3 W.L.R. 1034, C.A.

Thynne *v.* Thynne [1955] 3 W.L.R. 108; [1955] 2 All E.R. 377. *Reversed* [1955] P. 272; [1955] 3 W.L.R. 466, C.A.

Tideway Investment and Property Holdings *v.* Wellwood [1952] Ch. 791; [1952] 2 T.L.R. 365; [1952] 2 All E.R. 514, C.A. *Dictum of Evershed M.R. considered*, Leslie *v.* Liverpool Corporation [1960] 1 W.L.R. 1

Tildesley *v.* Harper (1876) 10 Ch.D. 393. *Applied*, G. L. Baker *v.* Medway Building and Supplies [1958] 1 W.L.R. 1216, C.A.

Tillmans & Co. *v.* S.S. Knutsford [1908] 1 K.B. 185. *Applied* G. H. Renton & Co. *v.* Palmyra Trading Corporation of Panama [1956] 1 Q.B. 462; [1956] 2 W.L.R. 233, C.A.

Tillmanns *v.* S.S. Knutsford Co. [1908] 2 K.B. 385; 24 T.L.R. 454. *Applied*, Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137, C.A.

Timberlake, In re (1919) 63 S.J. 286. *Considered*, In re White, decd. McCann *v.* Hull [1958] Ch. 762; [1958] 2 W.L.R. 464

Timmins *v.* Timmins [1919] P. 75. *Referred to*, Bottoms *v.* Bottoms [1951] P. 424; [1951] 2 T.L.R. 365, D.C.

Timmins *v.* Timmins [1953] 1 W.L.R. 757; [1953] 2 All E.R. 187, C.A. *Applied*, Bright *v.* Bright [1954] P. 270; [1953] 3 W.L.R. 659. *Considered*, Hill *v.* Hill [1954] P. 291; [1954] 2 W.L.R. 473. *Followed*, Barber *v.* Barber [1954] P. 438; [1954] 2 W.L.R. 1117, C.A.

Timpson's Executors *v.* Yerbury [1936] 1 K.B. 645; [1936] 1 All E.R. 186. *Applied*, Thomson (Inspector of Taxes) *v.* Moyse [1959] Ch. 464; [1959] 2 W.L.R. 577, C.A.

Tingley *v.* Miller [1917] 2 Ch. 144; 33 T.L.R. 369, C.A. *Considered*, Hangkam Kwingtong Woo *v.* Liu Lan Fong [1951] A.C. 707; [1951] 2 T.L.R. 442; [1951] 2 All E.R. 567, P.C. *Applied*, Barclays Bank *v.* Bird [1954] Ch. 274; [1954] 2 W.L.R. 319

Tinsley *v.* Dudley [1951] 2 K.B. 18; [1951] 1 T.L.R. 315; [1951] 1 All E.R. 252. *Applied*, Edwards *v.* West Herts Group Hospital Management Committee [1957] 1 W.L.R. 416, C.A.

Tithe Redemption Commission *v.* Runcorn Urban District Council [1953] 3 W.L.R. 845; [1953] 2 All E.R. 1303. *Affirmed* [1954] Ch. 383; [1954] 2 W.L.R. 518

Tobacco Trade Benevolent Association Charitable Trusts, In re [1958] 1 W.L.R. 1113, 1116; [1958] 3 All E.R. 353. *Dictum of Harman J. considered*, In re Jewish Orphanage Charity Endowments Trusts [1960] 1 W.L.R. 344

Tollemache, In re [1903] 1 Ch. 457; affirmed [1903] 1 Ch. 955, C.A. *Explained*, Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94

Tollemache Settled Estates Trustees *v.* Coughtrie [1959] 1 W.L.R. 900; [1959] 2 All E.R. 582. *Decision of Upjohn J. considered* [1960] Ch. 475; [1960] 2 W.L.R. 825

Tombs *v.* Roch (1846) 2 Coll. 490. *Considered*, In re Cohen, decd. [1960] Ch. 179; [1959] 3 W.L.R. 916

Tomlinson *v.* Railway Executive, The Times, November 5, 1952. *Applied*, Blackman *v.* Railway Executive [1953] 1 W.L.R. 2

Tompkins *v.* Rogers [1921] 2 K.B. 94; 37 T.L.R. 869. *Doubted*, Harnam Singh *v.* Jamal Pirbhai [1951] A.C. 688, P.C.

Toogood & Sons *v.* Green [1932] A.C. 663; 48 T.L.R. 463, H.L. *Applied*, Frawley (M. & F.) *v.* The Ve-Ri-Best Co. [1953] 1 Q.B. 318; [1953] 1 W.L.R. 165, C.A.; Dolton-Bournes & Dolton *v.* Osmond (Valuation Officer) [1955] 1 W.L.R. 621, C.A.; Almond *v.* Heathfield Laundry (Birmingham) Ltd. [1960] 1 W.L.R. 1339

Toohey's Ltd. *v.* Valuer-General [1925] A.C. 439. *Considered*, Tetzner *v.* Colonial Sugar Refining Co. Ltd. [1958] A.C. 50; [1957] 3 W.L.R. 338, P.C.

Tooker *v.* Smith (1857) 1 H. & N. 732. *Distinguished*, Wallis *v.* Semark [1951] 2 T.L.R. 222, C.A.

Tool Metal Manufacturing Co. *v.* Tungsten Electric Co. [1954] 1 W.L.R. 862; [1954] 2 All E.R. 28, C.A. *Reversed* [1955] 1 W.L.R. 761, H.L. *Considered*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701

Tootal Broadhurst Co. *v.* Inland Revenue Commissioners [1949] W.N. 43; [1949] 1 All E.R. 261, H.L. *Considered*, Inland Revenue Commissioners *v.* Butterley Co. [1955] Ch. 453; [1953] 2 W.L.R. 786, C.A.

Toronto Corporation *v.* Bell Telephone Co. of Canada [1905] A.C. 52; 21 T.L.R. 45, P.C. *Referred to*, Attorney-General for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418

Toronto Railway Co. *v.* Toronto Corporation [1904] A.C. 809; 20 T.L.R. 774, P.C. *Applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Tottenham, In re (1946) 62 T.L.R. 245. *Applied*, In re Arnould, decd. [1955] 1 W.L.R. 539

Towerfield, The. *See* Workington Harbour and Dock Board *v.* Towerfield (Owners).

Towerfield (Owners) *v.* Workington Harbour and Dock Board [1949] P. 10; [1948] 2 All E.R. 736, C.A. *Reversed* [1951] A.C. 112; 66 T.L.R. (Pt. 2) 387; H.L.

Town of Leicester for Toll, Case of (1585) 2 Leon. 190. *Considered*, Iveagh *v.* Martin [1960] 3 W.L.R. 210

Townend *v.* Townend (1905) 22 T.L.R. 50, C.A. *Applied*, Hunt *v.* Allied Bakeries (No. 2) [1959] 1 W.L.R. 50, C.A.

Townsend *v.* Electrical Yarns [1952] W.N. 154; [1952] 1 T.L.R. 728; [1952] 1 All E.R. 918. *Observations of Lord Uthwatt considered*, Inland Revenue Commissioners *v.* Wood Bros. (Birkenhead) (In Liquidation) [1957] 3 W.L.R. 713, C.A.

Townshend (Marquis), In re the (1906) 22 T.L.R. 341, C.A. *Distinguished*, Regina *v.* Odhams [1957] 1 Q.B. 73; [1956] 3 W.L.R. 797, D.C.

Trathan *v.* Trathan [1955] 1 W.L.R. 805; [1955] 2 All E.R. 701, P.C. *Applied*, Bowen *v.* Bowen [1958] 1 W.L.R. 508, D.C.; Pepper *v.* Pepper [1960] 1 W.L.R. 131

Travers *v.* Holley [1953] P. 246; [1953] 3 W.L.R. 507; [1953] 2 All E.R. 794, C.A. *Considered*, Dunne *v.* Saban [1955] P. 178; [1954] 3 W.L.R. 980; Robinson-Scott *v.* Robinson-Scott [1958] P. 71; [1957] 3 W.L.R. 843; In re Trepca Mines Ltd. [1960] 1 W.L.R. 1273. *Applied*, Carr *v.* Carr [1955] 1 W.L.R. 422. *Applied*, Arnold *v.* Arnold [1957] P. 237; [1957] 2 W.L.R. 367; Manning *v.* Manning [1958] P. 112; [1958] 2 W.L.R. 318. *Distinguished*, Levett *v.* Levett and Smith [1957] P. 156; [1957] 2 W.L.R. 484. *Applied*, Mountbatten *v.* Mountbatten [1959] P. 43; [1959] 2 W.L.R. 128

Travers (Joseph) & Sons Ltd. *v.* Cooper [1915] 1 K.B. 73; 30 T.L.R. 703, C.A. *Applied*, Farr (A. E.) *v.* Admiralty [1953] 1 W.L.R. 965; Akenb *v.* Booth and Others Ltd. [1960] 1 W.L.R. 454

Tree, In re. Idle *v.* Tree [1945] Ch. 325; sub nom. In re Tree. Idle *v.* Hastings, 61 T.L.R. 383; [1945] 2 All E.R. 65. *Distinguished*, Davies *v.* Perpetual Trustee Co. [1959] A.C. 439; [1959] 2 W.L.R. 673, P.C.

Trenchard, In re, Trenchard *v.* Trenchard [1902] 1 Ch. 378. *Approved*, Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.

Trepca Mines Ltd., In re 1960] 1 W.L.R. 24; [1959] 3 W.L.R. 789n. *Decision of Roxburgh J. reversed* [1960] 1 W.L.R. 1273

Treseder-Griffin *v.* Co-operative Insurance Society [1955] 3 W.L.R. 996; [1955] 3 All E.R. 793. *Reversed* [1956] 2 Q.B. 127; [1956] 2 W.L.R. 867, C.A.

Trew *v.* Perpetual Trustee Company [1895] A.C. 264, 267. *Distinguished*, In re Playfair, decd. Palmer *v.* Playfair [1951] Ch. 4; 66 T.L.R. (Pt. 1) 1203; [1950] 2 All E.R. 285

Tricomdas Cooverji Bhoja *v.* Gopinath Jiu Thakur (1916) L.R. 44 I.A. 65. *Followed*, Tzamburakis *v.* Rodoussakis [1958] A.C. 469; [1958] 3 W.L.R. 265, P.C.

Triffitt's Settlement, In re [1958] Ch. 852; [1958] 2 W.L.R. 927; [1958] 2 All E.R. 299. *Considered*, Commissioner of Estate and Succession Duties (Barbados) *v.* Bowring [1960] 3 W.L.R. 741

Trinder (John E.) & Partners *v.* Haggis [1951] W.N. 416. *Considered*, Ackroyd & Sons *v.* Hasan [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810, 816

Troilus, The [1950] P. 92; 66 T.L.R. (Pt. 1) 278; [1949] 2 All E.R. 868, C.A. *Affirmed* [1951] A.C. 820; [1951] 2 T.L.R. 22; [1951] 2 All E.R. 40, H.L.

Trottier *v.* Rajotte [1940] 1 D.L.R. 433. *Approved*, Gatty *v.* Attorney-General [1951] P. 444; [1951] 2 T.L.R. 599

Truman, Hanbury, Buxton & Co. *v.* Kerslake [1894] 2 Q.B. 774; 10 T.L.R. 668, D.C. *Distinguished*, R. *v.* Minister of Housing and Local Government, Ex parte Corporation of London [1954] 1 Q.B. 140; [1954] 2 W.L.R. 103, C.A. *Approved*, sub nom. London Corporation *v.* Cusack-Smith [1955] A.C. 337; [1955] 2 W.L.R. 363, H.L.

Truman, Hanbury, Buxton & Co.'s Application, In re [1956] 1 Q.B. 261; [1955] 3 W.L.R. 704; [1955] 3 All E.R. 559, C.A. *Applied*, Driscoll *v.* Church Commissioners for England [1957] 1 Q.B. 330; [1956] 3 W.L.R. 997, C.A.; In re Ghey and Galton's Application [1957] 2 Q.B. 650; [1957] 3 W.L.R. 563, C.A.

Truro Corporation *v.* Reynolds (1832) 8 Bing. 275. *Distinguished*, Iveagh *v.* Martin [1961] 1 Q.B. 232; [1960] 3 W.L.R. 210

Truro Corporation *v.* Rowe [1901] 2 K.B. 870; 17 T.L.R. 773; on appeal [1902] 2 K.B. 709. *Disapproved*, Morelle *v.* Waterworth; Rodnall *v.* Ludbrook [1955] 1 Q.B. 1; [1954] 3 W.L.R. 257

Truslove *v.* Whitechurch (1840) 8 Dowl. 837. *Applied*, Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; [1951] 1 All E.R. 1028

Trustees Executors & Agency Co. *v.* Federal Commissioner of Taxation (Milne's Case) (1944) 69 C.L.R. 270. *Referred to*, Perpetual Executors and Trustees Association of Australia *v.* Commissioner of Taxes of the Commonwealth of Australia [1954] A.C. 114; [1954] 2 W.L.R. 171, P.C.

Tsakiroglou & Co. Ltd. *v.* Noblee Thorl G.m.b.H. [1960] 2 W.L.R. 869; [1960] 2 All E.R. 160, C.A. *Distinguished*, Société Franco Tunisienne D'Armement *v.* Sidermar S.P.A. [1960] 3 W.L.R. 701. *Decision of Diplock J. affirmed* [1960] 2 Q.B. 318; [1960] 2 W.L.R. 369, 886

Tucker *v.* Linger (1883) 8 App.Cas. 508, H.L. *Applied*, London Export Corporation *v.* Jubilee Coffee Roasting Co. [1958] 1 W.L.R. 661, C.A.

Tuckwood *v.* Rotherham Corporation [1921] 1 K.B. 526, C.A. *Discussed*, Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553, C.A.

Tufton *v.* Sperni [1952] 2 T.L.R. 516, C.A. *Considered*, Antony *v.* Weerasekera [1953] 1 W.L.R. 1007, P.C.

Tulip *v.* Tulip [1951] P. 223; [1951] 1 T.L.R. 567; [1951] 1 All E.R. 563. *Reversed*, [1951] P. 378; [1951] 1 T.L.R. 1056; [1951] 2 All E.R. 91, C.A. *Followed*, Morton *v.* Morton (No. 2) [1954] 1 W.L.R. 737, C.A. *Referred to*, National Assistance Board *v.* Prisk [1954] 1 W.L.R. 443, D.C. *Applied*, National Assistance Board *v.* Parkes [1955] 1 Q.B. 486; [1955] 3 W.L.R. 347, C.A. *Considered*, Pinnick *v.* Pinnick [1957] 1 W.L.R. 644, D.C. Jones *v.* Jones [1959] P. 38; [1958] 3 W.L.R. 635, D.C.

Tunbridge Wells (Mayor, etc., of) *v.* Baird [1896] A.C. 434; 12 T.L.R. 372, H.L. *Considered and applied*, Tithe Redemption Commission *v.* Runcorn Urban District Council [1953] 3 W.L.R. 845; [1954] Ch. 383; [1954] 2 W.L.R. 518, C.A.

Tunstall *v.* Tunstall [1953] 1 W.L.R. 770; [1953] 2 All E.R. 310, C.A. *Distinguished*, In re Bettinson's Question [1956] Ch. 67; [1955] 3 W.L.R. 510. *Applied*, In re Camkin's Questions [1957] 1 W.L.R. 255

Turberville *v.* Stampe (1697), Holt, K.B. 9. *Applied*, Balfour *v.* Barty-King. Hyder and Sons (Builders). Third Parties [1956] 1 W.L.R. 779. *Considered* [1957] 2 W.L.R. 84; [1957] 1 Q.B. 496; [1957] 2 W.L.R. 84, C.A.

Turnbull, In re [1905] 1 Ch. 726. *Considered*, In re McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1008, C.A.

Turner *v.* Mason (1845) 14 M. & W. 112. *Distinguished*, Laws *v.* London Chronicle (Indicator Newspapers) [1959] 1 W.L.R. 698, C.A.

Turner *v.* Metro-Goldwyn-Mayer Pictures [1950] W.N. 83; 66 T.L.R. (Pt. 1) 342; [1950] 1 All E.R. 449, H.L. *Considered*, Morris *v.* Sanders Universal Products [1954] 1 W.L.R. 67, C.A.

Turner *v.* Minister of Public Instruction (1956) 95 C.L.R. 245. *Considered*, Maori Trustee *v.* Ministry of Works [1959] A.C. 1; [1958] 3 W.L.R. 536, P.C.

Turner *v.* Watts (1927) 97 L.J.K.B. 92; 44 T.L.R. 105, D.C.; affirmed (1928) 97 L.J.K.B. 403; 44 T.L.R. 337, C.A. *Applied*, Foster *v.* Robinson [1951] 1 K.B. 149; 66 T.L.R. (Pt. 2) 120; [1950] 2 All E.R. 342, C.A. *Distinguished*, Nightingall *v.* Courtney [1954] 1 Q.B. 399; [1954] 2 W.L.R. 266, C.A.

Turner's Will Trusts, In re [1937] Ch. 15; 52 T.L.R. 713; [1936] 2 All E.R. 1438, C.A. *Considered*, In re Lausane, decd. [1957] Ch. 348; [1957] 2 W.L.R. 557. *Applied*, Inland Revenue Commissioners *v.* Bernstein [1960] Ch. 444; [1960] 2 W.L.R. 554

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Tweney *v.* Tweney [1946] P. 180; 62 T.L.R. 266; [1946] 1 All E.R. 564. *Followed*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954

Twentsche Overseas Trading Co. *v.* Uganda Sugar Factory (1944) 114 L.J.P.C. 25, P.C. *Distinguished*, Regazzoni *v.* K. C. Sethia (1944) [1956] 2 Q.B. 490; [1956] 2 W.L.R. 205

Twentyman *v.* John Hulbert Ltd. (1944) 170 L.T. 340. *Disapproved*, Winter *v.* Hinckley and District Industrial Co-operative Society [1959] 1 W.L.R. 182, D.C.

Twentyman *v.* Simpson. *See* In re Wilson.

Twine *v.* Bean's Express Ltd., 62 T.L.R. 458; [1946] 1 All E.R. 202. *Followed*, Conway *v.* George Wimpey & Co. Ltd. [1951] 2 K.B. 266; [1951] 1 T.L.R. 587; [1951] 1 All E.R. 363, C.A.

Twomey *v.* Cronin [1937] I.R. 324. *Disapproved*, Dean *v.* Wiesengrund [1955] 2 Q.B. 120; [1955] 2 W.L.R. 1171, C.A.

Twyford *v.* Puntschart (1947) 63 T.L.R. 329; [1947] 1 All E.R. 773, D.C. *Distinguished*, Almy *v.* Thomas [1953] 1 W.L.R. 1296, D.C.

Tymans *v.* Craven [1952] 2 Q.B. 100; [1952] 1 T.L.R. 601; [1952] 1 All E.R. 613, C.A. *Applied* In re Donald Kenyon [1956] 1 W.L.R. 1398

Tyrrell *v.* Painton [1894] P. 151, C.A. *Applied*, In re R., decd. [1951] P. 10; 66 T.L.R. (Pt. 2) 26; [1950] 2 All E.R. 117. *Considered*, In re Cutliffe's Estate. Le Duc *v.* Veness [1959] P. 6; [1958] 3 W.L.R. 707, C.A.

Ulen *v.* Polish National Economic Bank (1940) 24 N.Y.S. 2d 201. *Explained*, Baccus S.R.L. *v.* Servicio Nacional del Trigo [1957] 1 Q.B. 438; [1956] 3 W.L.R. 948, C.A.

Ultzen *v.* Nicols [1894] 1 Q.B. 92; 10 T.L.R. 25, D.C. *Distinguished*, Tinsley *v.* Dudley [1951] 2 K.B. 18; [1951] 1 T.L.R. 315; [1951] 1 All E.R. 252, C.A.

Ulverstone and District New Hospital Building Trusts, In re [1956] Ch. 622 [1956] 3 W.L.R. 559; [1956] 3 All E.R. 164, C.A. *Dictum of Jenkins L.J. considered*, In re Gillingham Bus Disaster Fund, Bowman *v.* Official Solicitor [1958] Ch. 300; [1957] 3 W.L.R. 1070

Underground Electric Railways Co. of London *v.* Inland Revenue Commissioners [1905] 1 K.B. 174; 21 T.L.R. 109; *affirmed* [1906] A.C. 21; 22 T.L.R. 160, H.L. *Applied*, Independent Television Authority and Associated-Rediffusion *v.* I. R. C. [1961] A.C. 427; [1960] 3 W.L.R. 48. *Distinguished*, Western United Investment Co. *v.* Inland Revenue Commissioners [1958] Ch. 392; [1958] 2 W.L.R. 192

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Underwood (A. L.) *v.* Bank of Liverpool, Same *v.* Barclays Bank [1924] 1 K.B. 775; 40 T.L.R. 302, C.A. *Applied*, Baker *v.* Barclays Bank [1955] 1 W.L.R. 822

Union Bank of Australia Ltd. *v.* McClintock [1922] 1 A.C. 240, P.C. *Applied*, Commercial Banking Co. of Sydney *v.* Mann [1961] A.C. 1; [1960] 3 W.L.R. 726

Union Cold Storage Co. *v.* Jones (1923) 129 L.T. 512. *Applied*, Morgan (Inspector of Taxes) *v.* Tate & Lyle [1953] Ch. 601; [1953] 3 W.L.R. 1, C.A.

Union Cold Storage Co. *v.* Moon [1932] 2 K.B. 648, C.A. *Explained*, Shell-Mex and B.P. *v.* Clayton [1955] 1 W.L.R. 983, C.A.

Union Corporation *v.* Inland Revenue Commissioners [1953] A.C. 482; [1953] 2 W.L.R. 615; [1953] 1 All E.R. 729; affirming [1952] 1 T.L.R. 651; [1952] 1 All E.R. 646. *Affirmed* [1953] A.C. 482; [1953] 2 W.L.R. 615, H.L. *Referred to*, Davies *v.* British Geon [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A. *Dictum of Evershed M.R. applied*, Bullock *v.* United Construction Co. [1959] Ch. 147; [1958] 3 W.L.R. 504; [1959] Ch. 315; [1959] 2 W.L.R. 437, C.A.; Unit Construction Co. *v.* Bullock [1960] A.C. 351; [1959] 3 W.L.R. 1022, H.L.

Unitas, The [1948] P. 205; [1948] 1 All E.R. 421. *Considered*, Kuenigl *v.* Donnersmarck [1955] 1 Q.B. 515; [1955] 2 W.L.R. 82

United Australia Ltd. *v.* Barclays Bank Ltd. [1941] A.C. 1; 57 T.L.R. 13; [1940] 4 All E.R. 20, H.L. *Considered*, In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

United Grand Lodge of Ancient Free and Accepted Masons of England *v.* Holborn Borough Council [1957] 1 W.L.R. 1080; [1951] 3 All E.R. 281, D.C. *Applied*, Berry *v.* St. Marylebone Borough Council [1958] Ch. 406; [1957] 3 W.L.R. 1030, C.A.

United Railways of the Havana and Regla Warehouses Ltd. In re [1958] Ch. 724; [1958] 2 W.L.R. 229; [1957] 3 All E.R. 641. *Decision of Wynn-Parry J. affirmed* [1960] Ch. 62; [1959] 2 W.L.R. 251, C.A. *Decision of the Court of Appeal reversed in part* [1960] Ch. 52; [1960] 2 W.L.R. 969

United States *v.* Rubenstein (1945) 151 Fed.Rep. (2nd Ser.) 915. *Not followed*, Silver (orse. Kraft) *v.* Silver [1955] 1 W.L.R. 728

United States *v.* Standard Oil Co. (1946) 67 S.C. 1604. *Considered*, Attorney-General for New South Wales *v.* Perpetual Trustee Co. [1955] A.C. 457; [1955] 2 W.L.R. 707, P.C.

United States of America and Republic of France *v.* Dollfus Mieg et Cie. S.A. and Bank of England [1952] A.C. 582; [1952] 1 T.L.R. 541; [1952] 1 All E.R. 572, H.L. *Considered*, Juan Ysmael & Co., Inc. *v.* Indonesian Government [1955] A.C. 72; [1954] 3 W.L.R. 531. *Considered and applied*, Nizam of Hyderabad and State of Hyderabad *v.* Jung [1956] 3 W.L.R. 668. *Distinguished* [1957] Ch. 185; [1957] 2 W.L.R. 218, C.A. *Applied*, sub nom. Rahimtoola *v.* Nizam of Hyderabad [1958] A.C. 379; [1957] 3 W.L.R. 884, H.L.

United States Shipping Board *v.* Frank C. Strick & Co. Ltd. (1924) 30 Com.Cas. 210; [1926] A.C. 545. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Universal Permanent Building Society *v.* Cooke [1952] Ch. 95; [1951] 2 All E.R. 893, C.A. *Considered*, Church of England Building Society *v.* Piskor [1954] Ch. 553; [1954] 2 W.L.R. 952, C.A.

Universal Steam Navigation Co. *v.* McKelvie (J.) & Co. [1923] A.C. 492; 39 T.L.R. 480, H.L. *Applied*, Lester *v.* Balfour Williamson Merchant Shippers [1953] 2 Q.B. 168; [1953] 2 W.L.R. 1068, D.C.

Unwin *v.* Hanson [1891] 2 Q.B. 115; 7 T.L.R. 488. *Observation of Lord Esher M.R. applied*, Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554, C.A.

Upton *v.* Townend (1855) 17 C.B. 30. *Applied*, Commissioners of Crown Lands *v.* Page [1960] 2 Q.B. 271; [1960] 3 W.L.R. 446

Upton Warren (Parish), Re (1833) 1 My. & K. 410, L.C. *Considered*, In re Hanbey's Will Trusts. Cutler's Company *v.* President and Governors of Christ's Hospital, London [1956] Ch. 264; [1956] 2 W.L.R. 23

Urianienborg, The [1936] P. 21; 52 T.L.R. 114. *Distinguished*, Blenheim (Owners) *v.* Impetus (Owners) [1959] P. 111; [1959] 2 W.L.R. 820

Usher's Wiltshire Brewery *v.* Bruce [1915] A.C. 433; 31 T.L.R. 104, H.L. *Applied*, Morgan (Inspector of Taxes) *v.* Tate & Lyle [1953] Ch. 601; [1953] 1 W.L.R. 1, C.A.; [1955] A.C. 21; [1954] 3 W.L.R. 85, H.L.

Uttoxeter Urban District Council *v.* Clarke [1952] W.N. 255; [1952] 1 All E.R. 1318. *Followed*, Attridge *v.* London County Council [1954] 2 Q.B. 449; [1954] 3 W.L.R. 70

Uxbridge & Rickmansworth Railway Co., In re (1890) 43 Ch.D. 536. *Distinguished*, Grice *v.* Dudley Corporation [1958] Ch. 329; [1957] 3 W.L.R. 315

V.G.M. Holdings, In re, [1942] Ch. 235; 58 T.L.R. 131; [1942] 1 All E.R. 224. *Applied*, Governments Stock and Other Securities Investment Co. [1956] 1 W.L.R. 238

Van den Berghs Ld. *v.* Clarke [1935] A.C. 431; 51 T.L.R. 393. *Considered*, Wiseburgh *v.* Domville (Inspector of Taxes) [1955] 3 W.L.R. 1287

Vandepitte *v.* Preferred Accident Insurance Corporation of New York [1933] A.C. 70; 49 T.L.R. 90. *Dictum of Lord Wright applied*, Green *v.* Russell. McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17, C.A.

Vander Donckt *v.* Thellusson (1849) 8 C.B. 812. *Approved*, Said Ajami *v.* Comptroller of Customs [1954] 1 W.L.R. 1405, P.C.

Vanderspar & Co. *v.* Duncan & Co. (1891) 8 T.L.R. 30. *Explained*, Leolga Compania de Navigacion *v.* John Glynn & Son [1953] 2 Q.B. 374; [1953] 1 W.L.R. 846

Vandyk *v.* Minister of Pensions and National Insurance [1955] 1 Q.B. 29; [1954] 2 All E.R. 723. *Distinguished*, Benjamin *v.* Minister of Pensions and National Insurance [1960] 2 Q.B. 519; [1960] 3 W.L.R. 430

Van Laun, In re, ex parte Chatterton [1907] 2 K.B. 23; 23 T.L.R. 384, C.A. *Considered and applied*, In re Lupkovics, Ex parte The Trustee *v.* Freville [1954] 1 W.L.R. 1234

Van Nievelt Goudriaan Stoomvaart Maatschappij *v.* C. A. Forslind & Son Ltd. (1924) 30 Com.Cas. 263. *Considered*, Sociedad Financiera de Bienes Raices, S.A. *v.* Agrimpex Hungarian Trading Co. for Agricultural Products. The Aello [1961] A.C. 135; [1960] 3 W.L.R. 145

Vantol (J. H.) *v.* Fairclough, Dodd & Jones [1955] 1 W.L.R. 1302; [1955] 3 All E.R. 750, C.A. *Reversing* [1955] 1 W.L.R. 642; [1955] 2 All E.R. 516. *Decision of the Court of Appeal reversed*, sub nom. Fairclough, Dodd & Jones *v.* J. H. Vantol [1957] 1 W.L.R. 136, H.L.

Varley, In re (1893) 68 L.T. 665. *Applied*, In re Neeld, decd. [1960] Ch. 455; [1960] 2 W.L.R. 730

Varnish (W. R.) & Co. *v.* Kheti (Owners) (1949) 82 Ll.L.R. 525. *Distinguished*, Svenska Traktor Akt. *v.* Maritime Agencies (Southampton) [1953] 2 Q.B. 295; [1953] 3 W.L.R. 426

Vatcher *v.* Paull [1915] A.C. 372, P.C. *Observations of Lord Parker applied*, Merton, In re, Public Trustee *v.* Wilson [1953] 1 W.L.R. 1096. *Followed*, Dick, In re, Knight *v.* Dick [1953] Ch. 343; [1953] 2 W.L.R. 477, C.A. *Considered*, In re Burton's Settlements, Scott *v.* National Provincial Bank [1955] Ch. 82; [1954] 3 W.L.R. 581

Vaugham *v.* Shaw [1945] K.B. 400; 61 T.L.R. 361; [1945] 2 All E.R. 52, C.A. *Approved*, Langford Property Co. Ltd. *v.* Batten [1951] A.C. 223; 66 T.L.R. (Pt. 2) 958; [1950] 2 All E.R. 1079, H.L.

Vavasseur *v.* Krupp (1878) 9 Ch.D. 351, C.A. *Applied*, Dollfus Mieg et Compagnie S.A. *v.* Bank of England [1951] Ch. 33; 66 T.L.R. (Pt. 2) 559; [1950] 2 All E.R. 605

Vawdrey *v.* Simpson [1896] 1 Ch. 166; 40 S.J. 98. *Considered*, Olver *v.* Hillier [1959] 1 W.L.R. 551

Veale *v.* Cabezas [1921] W.N. 311. *Approved*, Keane *v.* Clarke [1951] 2 K.B. 732; [1951] 2 T.L.R. 77; [1951] 2 All E.R. 187, C.A.

Venables *v.* Department of Agriculture for Scotland, 1932 S.C. 573. *Followed*, Harvey *v.* Crawley Development Corporation [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332, C.A.

Venn *v.* Morgan [1949] W.N. 353; 65 T.L.R. 571; [1949] 2 All E.R. 562, D.C. *Applied*, Pope *v.* Clarke [1953] 1 W.L.R. 1060, D.C.

Verge *v.* Somerville [1924] A.C. 496; 40 T.L.R. 279. *Considered*, Baker *v.* National Trust Co. [1955] A.C. 627; [1955] 3 W.L.R. 42. *Applied*, Davies *v.* Perpetual Trustee Co. [1959] A.C. 349; [1959] 2 W.L.R. 673, P.C.

Vergottis *v.* Cory (William) & Son Ltd. [1926] 2 K.B. 344. *Applied*, Universal Cargo Carriers Corporation *v.* Citati [1957] 2 Q.B. 401; [1957] 2 W.L.R. 714. *Considered*, Sociedad Financiera De Bienes Raices S.A. Agrimpex Hungarian Trading Company for Agricultural Products [1961] A.C. 135; [1960] 3 W.L.R. 145

Vernazza, In re [1959] 1 W.L.R. 622; [1959] 2 All E.R. 200. *Decision of Divisional Court affirmed* [1960] 1 Q.B. 197; [1960] 2 W.L.R. 135

Verney's Settled Estates, In re [1898] 1 Ch. 509. *Distinguished*, In re Sandbach, decd. [1951] [1958] 1 Q.B. 190; [1957] 3 W.L.R. 971, C.A.

Vestey's Settlement, In re, [1951] Ch. 209; [1950] 2 All E.R. 891, C.A. *Applied*, In re Ropner's Settlement Trusts [1956] 1 W.L.R. 903

Vic Mill, In re [1913] 1 Ch. 465, C.A. *Applied*, W. L. Thompson *v.* Robinson (Gunmakers) [1955] Ch. 177; [1955] 2 W.L.R. 185; Interoffice Telephones *v.* Robert Freeman & Co. [1958] 1 Q.B. 190; [1957] 3 W.L.R. 971, C.A.

Vicars *v.* Stamp Duties Commissioner (N. S W.) [1945] 71 C.L.R. 309. *Considered*, George Johnson *v.* Commissioners of Stamp Duties [1956] A.C. 331; [1956] 2 W.L.R. 455, P.C.

Vickery *v.* Martin [1944] K.B. 679; 60 T.L.R. 513; [1944] 2 All E.R. 167, C.A. *Distinguished*, Court *v.* Robinson [1951] 2 K.B. 60; [1951] 1 All E.R. 209, C.A.

Victoria City *v.* Bishop of Vancouver Island [1921] 2 A.C. 384, P.C. *Applied*, Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

Victoria Laundry (Windsor) *v.* Newman Industries, Coulson & Co. [1949] 2 K.B. 528; 65 T.L.R. 274; [1949] 1 All E.R. 997, C.A. *Applied*, Pilkington *v.* Wood [1953] Ch. 770; [1953] 3 W.L.R. 522. *Considered*, Diamond *v.* Campbell-Jones [1961] Ch. 22; [1960] 2 W.L.R. 568

Victoria Motors (Scarborough) *v.* Wurzal [1951] 2 K.B. 520; [1951] 1 T.L.R. 837; [1951] 1 All E.R. 1016, D.C. *Criticised but applied*, Wurzal *v.* Dowker [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196, D.C.

Victorian Stevedoring and General Contracting Co. Pty. *v.* Dignan (1931) 46 C.L.R. 73. *Considered*, Attorney-General for Australia *v.* The Queen [1957] A.C. 288; [1957] 2 W.L.R. 608, P.C.

Vinall *v.* Howard [1953] 1 W.L.R. 987; [1953] 2 All E.R. 515. *Reversed* [1954] 1 Q.B. 375; [1954] 2 W.L.R. 314, C.A.

Vincent *v.* Southern Railway Co. [1927] A.C. 430. *Dicta of Lord Sumner applied*, Cade *v.* British Transport Commission [1957] 1 W.L.R. 948, C.A.

Vincent *v.* Vincent [1952] 2 T.L.R. 907; [1952] 2 All E.R. 978. *Applied*, Evans *v.* Evans [1953] P. 41; [1953] 1 W.L.R. 127, C.A.

Vine *v.* National Dock Labour Board [1956] 1 Q.B. 658; [1956] 2 W.L.R. 311; [1956] 1 All E.R. 1, C.A. *Varied*, [1957] 2 W.L.R. 107; [1956] 3 All E.R. 939. *Distinguished*, Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181

Visser, In re [1928] Ch. 877; 44 T.L.R. 692. *Applied*, Delhi Electric Supply and Traction Co., In re [1953] 3 W.L.R. 1085; Government of India, Ministry of Finance (Revenue Division) *v.* Taylor [1955] A.C. 491; [1955] 2 W.L.R. 303, H.L.

Vita Food Products Incorporated *v.* Unus Shipping Co. [1939] A.C. 277; 55 T.L.R. 402; [1939] 1 All E.R. 513, P.C. *Dicta of Lord Wright applied*, St. John Shipping Corporation *v.* Joseph Rank [1957] 1 Q.B. 267; [1956] 3 W.L.R. 871. *Applied*, In re Claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 185

Vrint, In re, Vrint *v.* Swain [1940] Ch. 920; 56 T.L.R. 953; [1940] 3 All E.R. 470 *Applied*, In re Smallwood, decd. [1951] Ch. 369; [1951] 1 T.L.R. 331; [1951] 1 All E.R. 372. *Not followed*, Bates, decd., In re. Bates *v.* Rodway [1953] 1 W.L.R. 276

Vyner *v.* Waldenberg Bros. [1946] K.B. 50; 61 T.L.R. 545; [1945] 2 All E.R. 547. *Applied*, Hughes *v.* McGoff and Vickers [1955] 1 W.L.R. 417. *Explained and distinguished*, Bonnington Castings *v.* Wardlaw [1956] A.C. 613; [1956] 2 W.L.R. 708, H.L.

Vyricherla Narayana Gajapatiraju *v.* Revenue Divisional Officer, Vizagapatam [1939] A.C. 302; 55 T.L.R. 563; [1939] 2 All E.R. 317, P.C. *Considered*, Lambe *v.* Secretary of State for War [1955] 2 Q.B. 612; [1955] 2 W.L.R. 1127, C.A.

W. *v.* R. (1876) 1 P.D. 405. *Considered*, G. *v.* G. (orse. H.) [1960] 3 W.L.R. 648

W. *v.* W. [1952] P. 152; [1952] 1 T.L.R. 879; [1952] 1 All E.R. 858, C.A. *Distinguished*, Slater *v.* Slater [1953] P. 235; [1953] 2 W.L.R. 170, C.A.

W. Y. *v.* A. Y., 1946 S.C. 27. *Applied*, S. *v.* S. (orse. C.) [1956] P. 1; [1955] 2 W.L.R. 247

Wabe *v.* Taylor [1952] 2 Q.B. 735; [1952] 2 T.L.R. 264; [1952] 2 All E.R. 420, C.A. *Distinguished*, S. L. Dando *v.* Hitchcock [1954] 2 Q.B. 317; [1954] 3 W.L.R. 76, C.A.

Wade *v.* Beadle [1948] W.N. 337; 64 T.L.R. 498, D.C. *Distinguished*, Preston *v.* Fennell [1951] 1 K.B. 16; [1950] 1 All E.R. 1099, D.C.

Waddle *v.* Wallsend Shipping Co. [1952] 2 Lloyd's Rep. 105. *Dictum of Devlin J. applied*, Riverstone Meat Co. Pty. *v.* Lancashire Shipping Co. [1959] 1 Q.B. 74; [1958] 3 W.L.R. 482

Wagner *v.* International Railway Co. (1921) 232 N.Y. 176. *Dicta of Cardozo J. Approved,* Baker *v.* T. E. Hopkins & Son [1959] 1 W.L.R. 966, C.A.

Waite, In re [1957] 2 W.L.R. 1024; [1957] 1 All E.R. 629. *Distinguished,* In re McMorran, decd. [1958] Ch. 624; [1958] 2 W.L.R. 327

Waite *v.* Littlewood (1873) L.R. 8 Ch.App. 70. *Applied,* In re James's Will Trusts [1960] 3 W.L.R. 1031

Wake *v.* Taylor, *The Times,* July 8, 1952. *Considered,* Short *v.* Short [1960] 1 W.L.R. 833

Wake *v.* Varah (1876) 2 Ch.D. 348, C.A. *Applied,* In re James's Will Trusts [1960] 3 W.L.R. 1031

Wakeman *v.* Robinson (1823) 1 Bing 213. *Considered,* Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Walker *v.* Bletchley Flettons [1937] 1 All E.R. 170. *Approved,* John Summers & Sons *v.* Frost [1955] A.C. 740; [1955] 2 W.L.R. 826, H.L.; Close *v.* Steel Co. of Wales, Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401

Walker *v.* Luck. *See* In re Luck's Settlement Trusts.

Walker *v.* Rostron (1842) 9 M. & W. 411. *Considered,* Shamia *v.* Joory [1958] 1 Q.B. 448; [1958] 2 W.L.R. 85

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Walker's Estate, In re (1879) 12 Ch.D. 205. *Doubted,* In re James's Will Trusts [1960] 3 W.L.R. 1031

Walker's Settlement, In re, Royal Exchange Assurance Corporation *v.* Walker [1935] Ch. 567; 51 T.L.R. 389, C.A. *Applied,* Hayes' Will Trust, In re, Dobie *v.* Board of Governors of National Hospital [1954] 1 W.L.R. 22

Walkling *v.* Robinson (1930) 99 L.J.K.B. 171; 46 T.L.R. 151. *Not followed,* Melias *v.* Preston [1957] 2 Q.B. 380; [1952] 3 W.L.R. 42, D.C.

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Wallace *v.* Richards (Leicester). *See* Baker *v.* Market Harborough Industrial Co-operative Society.

Wallach, *In re* (1950) 66 T.L.R. (Pt. 1) 132; [1950] 1 All E.R. 199. *Distinguished,* In re Scullard, decd. South *v.* Brock [1957] 1 Ch. 107; [1956] 3 W.L.R. 1061

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Walmsley *v.* Foxhall (1870) 40 L.J.Ch. 28. *Followed,* Hawkesley *v.* May [1956] 1 Q.B. 304; [1955] 3 W.L.R. 569

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Walters *v.* Joseph Rank (1923) 39 T.L.R. 255. *Applied,* British Imex Industries *v.* Midland Bank [1958] 1 Q.B. 542; [1958] 2 W.L.R. 104

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Warburton *v.* Warburton, *The Times,* July 10, 1953. *Distinguished,* Woolland *v.* Woolland [1955] P. 85; [1954] 3 W.L.R. 855

Ward *v.* Duncombe [1893] A.C. 369, H.L.; affirming ibid., sub nom. Re Wyatt, White *v.* Ellis [1892] 1 Ch. 188, C.A. *Considered,* B. S. Lyle *v.* Rosher [1959] 1 W.L.R. 8, H.L.

Ward *v.* Kidswin (1626) Lat. 77. *Applied,* In re United Railways of Havana and Regla Warehouses Ltd. [1960] Ch. 52; [1960] 2 W.L.R. 969

Ward *v.* Knight (1587) 1 Cro.Eliz. 227. *Considered,* Iveagh *v.* Martin [1960] 3 W.L.R. 210

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Ward *v.* Turner (1752) 2 Ves.Sen. 731. *Applied*, Birch *v.* Treasury Solicitor [1951] Ch. 298; [1951] 1 T.L.R. 225; [1950] 2 All E.R. 1198, C.A.

Ward *v.* Van der Loeff [1924] A.C. 653; 40 T.L.R. 493, H.L. *Distinguished*, In re Murray, decd. [1956] 1 W.L.R. 606. *Applied*, In re Ransome, decd. [1957] Ch. 348; [1957] 2 W.L.R. 557. *Considered*, Fry *v.* Inland Revenue Commissioners [1958] 2 W.L.R. 673

Ward *v.* Ward [1948] P. 62; 63 T.L.R. 647; [1947] 2 All E.R. 713, D.C. *Applied*, J. *v.* J. [1955] P. 215; [1955] 2 W.L.R. 973

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Wardlaw *v.* Bonnington Castings, 1955 S.C. 320. *Approved*, Quinn *v.* Cameron and Robertson [1958] A.C. 9; [1957] 2 W.L.R. 693, H.L.

Warner *v.* Sampson [1958] 1 Q.B. 404; [1958] 2 W.L.R. 212; [1958] 1 All E.R. 44, 314. *Decision of Ashworth J. reversed* [1959] 1 Q.B. 297; [1959] 2 W.L.R. 109, C.A.

Warren, In re, Warren *v.* Warren [1932] 1 Ch. 42. *Dicta of Maugham J. applied*, Bull *v.* Bull [1955] 1 Q.B. 234; [1955] 2 W.L.R. 78, C.A.

Warren *v.* Gurney [1944] 2 All E.R. 472, C.A. *Considered*, Shephard *v.* Cartwright [1953] Ch. 728; [1953] 3 W.L.R. 378, C.A.

Warter *v.* Warter (1890) 15 P.D. 35; 6 T.L.R. 391. *Followed*, Knowles *v.* Attorney-General [1951] P. 54; 66 T.L.R. (Pt. 2) 1188; [1950] 2 All E.R. 6

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Waterhouse *v.* Waterhouse [1893] P. 284, C.A. *Applied*, Mosey *v.* Mosey and Barker [1956] P. 26; [1955] 2 W.L.R. 1118

Waterman *v.* Fryer [1922] 1 K.B. 499; 38 T.L.R. 87. *Distinguished*, McDonald *v.* John Twiname [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347, C.A.

Waters *v.* Monarch Life Assurance Co. (1856) 5 E. & B. 870. *Considered*, John Rigby (Haulage) *v.* Reliance Marine Insurance Co. [1956] 2 Q.B. 468; [1956] 3 W.L.R. 407, C.A.

Waters *v.* Waters [1956] P. 344; [1956] 2 W.L.R. 661; [1956] 1 All E.R. 432, D.C. *Applied*, Ingram *v.* Ingram [1956] P. 390; [1956] 2 W.L.R. 782. *Applied*, Cade *v.* Cade [1957] 1 W.L.R. 570, D.C.

Waterside Workers' Federation of Australia *v.* J. W. Alexander (1918) 25 C.L.R. 434. *Considered*, Attorney-General for Australia *v.* The Queen [1957] A.C. 288; [1957] 2 W.L.R. 608, P.C.

Wates *v.* Rowland [1952] 2 Q.B. 12; [1952] 1 T.L.R. 488; [1952] 1 All E.R. 470, C.A. *Applied*, Morcom *v.* Campbell-Johnson [1956] 1 Q.B. 106; [1955] 3 W.L.R. 498, C.A.

Watkins, In re, Watkins *v.* Watkins [1953] 1 W.L.R. 1323; [1953] 2 All E.R. 1113. *Applied*, Chard *v.* Chard [1956] P. 259; [1955] 3 W.L.R. 954. *Considered*, Bullock *v.* Bullock [1960] 1 W.L.R. 975

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Watson *v.* People's Refreshment House Association [1952] 1 K.B. 318; [1952] T.L.R. 361; [1952] 1 All E.R. 289. *Considered*, Gresham *v.* Lyon [1954] 1 W.L.R. 1100

Watson *v.* Watson [1954] P. 48; [1953] 3 W.L.R. 708; sub nom. W. *v.* W. [1953] 2 All E.R. 1013. *Approved*, Francis *v.* Francis [1960] P. 17; [1959] 3 W.L.R. 447, D.C.

Watson Bros. *v.* Hornby [1942] 2 All E.R. 506. *Followed*, Sharkey *v.* Wernher [1953] Ch. 782; [1953] 3 W.L.R. 549. *Overruled*, Sharkey *v.* Wernher [1954] Ch. 713; [1954] 3 W.L.R. 367, C.A. *Approved*, ibid. [1956] A.C. 58; [1955] 3 W.L.R. 672, H.L.

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Watt *v.* Hertfordshire County Council [1954] 1 W.L.R. 208; [1954] 1 All E.R. 141. *Affirmed*, Watt *v.* Hertfordshire County Council [1954] 1 W.L.R. 835, C.A.

Watt *v.* Kesteven County Council [1954] 3 W.L.R. 729; [1954] 3 All E.R. 441. *Affirmed*, [1955] 1 Q.B. 408; [1955] 2 W.L.R. 499, C.A.

Watt (or Thomas) *v.* Thomas [1947] A.C. 484; 64 T.L.R. 314; [1947] 1 All E.R. 582, H.L. *Considered*, Simpson *v.* Simpson [1951] P. 320; [1951] 1 T.L.R. 1019; [1951] 1 All E.R. 955, D.C.

Watts, In re, Coffey *v.* Watts [1931] 2 Ch. 302. *Followed*, In re Churston Settled Estates [1954] Ch. 334; [1954] 2 W.L.R. 386

Watts *v.* Battersea Corporation [1929] 2 K.B. 63; 45 T.L.R. 224, C.A. *Applied*, Solomons *v.* R. Gertzenstein [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823

Way *v.* Latilla [1937] 3 All E.R. 759, H.L. *Considered*, Kofi Sunkersette Obu *v.* A. Strauss & Co. Ltd. [1951] A.C. 243, P.C.

Way *v.* Way [1950] P. 71; 65 T.L.R. 707; [1949] 2 All E.R. 959. *Followed*, Ponticelli *v.* Ponticelli [1958] P. 204; [1958] 2 W.L.R. 439

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Weare, In re [1893] 2 Q.B. 439; 9 T.L.R. 595, C.A. In re A Solicitor [1960] 2 Q.B. 212; [1960] 3 W.L.R. 138

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Weatherley *v.* Calder & Co. (1889) 61 L.T. 508, D.C. *Applied*, Davies *v.* British Geon [1957] 1 Q.B. 1; [1956] 3 W.L.R. 680, C.A.

Weatherley *v.* Weatherley [1947] A.C. 628; 63 T.L.R. 209; [1947] 1 All E.R. 563, H.L. *Considered*, Brown *v.* Brown [1956] P. 438; [1956] 2 W.L.R. 1000, D.C.

Weaver *v.* Ward (1607) Hob. 134. *Followed*, National Coal Board *v.* J. G. Evans & Co. (Cardiff) Ltd. and Mabberly Parker Ltd. [1951] 2 K.B. 861; [1951] 2 T.L.R. 415; [1951] 2 All E.R. 310, C.A. *Considered*, Fowler *v.* Lanning [1959] 1 Q.B. 426; [1959] 2 W.L.R. 241

Webb's Lease, In re. Sandom *v.* Webb [1951] Ch. 142; 66 T.L.R. (Pt. 2) 743; [1950] 2 All E.R. 828. *Reversed*, [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131, C.A.

Wedd *v.* Porter [1916] 2 K.B. 91, C.A. *Applied*, Warren *v.* Keen [1954] 1 Q.B. 15; [1953] 3 W.L.R. 702, C.A.

Wedgwood, In re [1921] 1 Ch. 601. *Considered*, In re Bedford, decd. [1960] 1 W.L.R. 1331

Weekes' Settlement, In re [1897] 1 Ch. 289. *Followed*, In re Perowne, decd. [1951] Ch. 785; [1951] 1 T.L.R. 1135; [1951] 2 All E.R. 201

Weidman *v.* Weidman (1931) 174 N.E. 206. *Applied*, Phrantzes *v.* Argenti [1960] 1 Q.B. 19; [1960] 2 W.L.R. 521

Weigall's Trusts, In re [1956] Ch. 424; [1956] 3 W.L.R. 12; [1956] 2 All E.R. 312. *Disapproved*, In re Tapp, Gonville & Caius College. Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 2 W.L.R. 541, C.A.

Weighman *v.* Weighman (1947) 64 T.L.R. 40; [1947] 2 All E.R. 852, C.A. *Distinguished*, Spalenkova *v.* Spalenkova [1954] P. 141; [1953] 3 W.L.R. 681

Weight *v.* Salmon (1934) 19 T.C. 174. *Applied*, Wilkins *v.* Rogerson [1960] Ch. 437; [1960] 2 W.L.R. 515

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Weinberger *v.* Inglis [1919] A.C. 606; 35 T.L.R. 399. *Applied*, Byrne *v.* Kinematograph Renters Society [1958] 1 W.L.R. 762

Welch *v.* Nagy [1950] 1 K.B. 455; 66 T.L.R. (Pt. 1) 278; [1949] 2 All E.R. 868, C.A. *Dicta of Asquith L.J. considered*, Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82; [1951] 1 All E.R. 152, C.A.

Weld-Blundell *v.* Stephens [1919] 1 K.B. 520; 35 T.L.R. 245, C.A. *Observations of Warrington L.J. applied*, Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 632, C.A.

Weldon *v.* Neal (1887) 19 Q.B.D. 394, C.A. *Applied*, Hall *v.* Meyrick [1957] 2 Q.B. 455; [1957] 3 W.L.R. 273, C.A.

Weldrick *v.* Essex and Suffolk Equitable Insurance Society (1949) 83 Ll.L.Rep. 91. *Referred to*, Ceylon Motor Insurance Association *v.* Thambugala [1953] A.C. 584; [1953] 3 W.L.R. 486, P.C.

Welford's Will Trusts, In re [1946] 1 All E.R. 23. *Questioned*, In re Knight, decd. In re Wynn, decd. [1957] Ch. 441; [1957] 2 W.L.R. 987, C.A.

Wellington *v.* Woodward (1959) 52 R. & I.T. 73. *Considered*, Walls *v.* Peak [1960] 2 Q.B. 413; [1960] 2 W.L.R. 841, 845

Wells, decd., In the Estate of. Wintle *v.* Nye, *The Times*, December 17, 1957, C.A.; affirming *The Times*, May 21, 1957. *Decision of Court of Appeal reversed*, Wintle *v.* Nye [1959] 1 W.L.R. 284, H.L.

Wellsted's Will Trusts, In re, Wellsted *v.* Hanson [1949] Ch. 296; [1949] 1 All E.R. 577, C.A. *Applied*, In re Simmons, Simmons *v.* Public Trustee [1956] Ch. 125; [1956] 2 W.L.R. 16

Welsh Hospital (Netley) Fund, In re, Thomas *v.* Attorney-General [1921] 1 Ch. 655. *Followed*, North Devon and West Somerset Relief Fund Trusts, In re, Hylton *v.* Wright [1953] 1 W.L.R. 1260. *Distinguished*, In re Hillier's Trusts, Hillier *v.* Attorney-General [1954] 1 W.L.R. 9; In re Ulverston and District New Hospital Building Trusts [1956] Ch. 622; [1956] 3 W.L.R. 560, C.A. *Followed*, In re British School of Egyptian Archaeology, Murray *v.* Public Trustee [1954] 1 W.L.R. 546

Welton *v.* Taneborne (1908) 24 T.L.R. 873, D.C. *Distinguished*, R. *v.* Burnham, Bucks, Justices. Ex parte Ansorge [1959] 1 W.L.R. 1041, D.C.

Welton *v.* Welton [1927] P. 162; 43 T.L.R. 174, C.A. *Applied*, Waller *v.* Waller [1956] P. 300; [1956] 2 W.L.R. 1071, C.A. *Considered*, Sterne *v.* Sterne [1957] P. 168; [1957] 2 W.L.R. 544, C.A.

West, In re, Denton *v.* West [1921] 1 Ch. 533; 37 T.L.R. 433. *Considered*, Thomson Settlement Trusts, In re, Robertson *v.* Makepeace [1953] Ch. 414; [1953] 2 W.L.R. 978

West *v.* Bristol Tramways Co. [1908] 2 K.B. 14; 24 T.L.R. 478, C.A. *Applied*, Balfour *v.* Barty-King. Hyder and Sons (Builders). Third Parties [1956] 1 W.L.R. 780

West *v.* Gwynne [1911] 2 Ch. 1; 27 T.L.R. 444, C.A. *Considered*, In re A Solicitor's Clerk [1957] 1 W.L.R. 1219, D.C.

West (Samuel) *v.* Wright's (Colchester) (1935), 40 Com.Cas. 186. *Considered*, Reardon Smith Line *v.* Australian Wheat Board [1956] A.C. 266; [1956] 2 W.L.R. 404, P.C.

West Ferry Road, Poplar, In re, In re Padwick's Estate [1955] 1 W.L.R. 439; [1955] 2 All E.R. 197. *Affirmed* [1955] 1 W.L.R. 751, P.C.

West Hartlepool Corporation *v.* Northern Gas Board [1957] 1 W.L.R. 445; [1957] 1 All E.R. 394. *Applied*, Evans *v.* Brook [1959] 1 W.L.R. 657

West Ilsley (the Parish Church of), In re, (Unreported, Guillum Scott Ch., 1952). *Followed*, In re St. Mary, Tyne Dock [1954] P. 369; [1954] 2 W.L.R. 1129

West of England and South Wales District Bank, In re, ex parte Swansea Friendly Society (1879) 11 Ch.D. 768. *Not followed*, Pilkington Bros. Workmen's Pension Fund, In re [1953] 1 W.L.R. 1084

West of England Road Metal Co., In re [1936] 2 All E.R. 1607. *Discussed*, In re East Yorkshire Gravel Co.'s Application [1955] 1 W.L.R. 88

West Tarring (Rector and Churchwardens), In re [1954] 1 W.L.R. 923n; [1954] 2 All E.R. 591. *Followed*, In re St. Paul's Church, Battersea [1954] 1 W.L.R. 920

Westacott *v.* Bevan [1891] 1 Q.B. 774; 7 T.L.R. 290, D.C. *Followed*, Wagg *v.* Law Society [1957] Ch. 405; [1957] 3 W.L.R. 21

Westall *v.* Westall (1949) 65 T.L.R. 337. *Applied*, Kaslefsky *v.* Kaslefsky [1951] P. 38; 66 T.L.R. (Pt. 2) 616; [1950] 2 All E.R. 398

Westburn Sugar Refineries Ltd., Ex parte, 1951 S.C. 90. *Reversed*, [1951] A.C. 625; [1951] 1 T.L.R. 728; [1951] 1 All E.R. 881, H.L.

Westby, In re [1932] Ir.R. 444. *Dictum of Kennedy C.J. applied*, In re Rider's Will Trusts [1958] 1 W.L.R. 974

Western Counties Steam Bakeries and Milling Co., In re [1897] 1 Ch. 617; 13 T.L.R. 170, 276. *Applied*, Reg. *v.* Shacter [1960] 2 Q.B. 252; [1960] 2 W.L.R. 258

Western Steamship Co. *v.* N.V. Koninklije Rotterdamsche Lloyd, The Empire Jamaica [1955] P. 52; [1955] 2 W.L.R. 435; sub nom. The Empire Jamaica [1955] 1 All E.R. 452. *Affirmed*, [1955] P. 259; [1955] 3 W.L.R. 385; [1955] 3 All E.R. 60, C.A. *Affirmed* [1957] A.C. 386; [1956] 3 W.L.R. 598, H.L.

Westgate *v.* Crowe [1908] 1 K.B. 24; 24 T.L.R. 14. *Distinguished*, Clack *v.* Arthur's Engineering [1959] 2 Q.B. 211; [1959] 2 W.L.R. 916

Westminster *v.* Inland Revenue Comrs. [1936] A.C. 1; 51 T.L.R. 467. *Applied*, Hochstrasser *v.* Mayes [1960] A.C. 376; [1960] 2 W.L.R. 63

Westminster Bank *v.* Attorney-General [1939] Ch. 610; [1939] 2 All E.R. 72, C.A. *Considered*, In re Brassey's Deed of Appointment [1951] Ch. 351; [1951] 1 T.L.R. 169; [1951] 1 All E.R. 102. Child's Trustee Co. *v.* Inland Revenue Commissioners [1960] Ch. 534; [1960] 2 W.L.R. 903. *Followed*, In re Brassey's Deed of Appointment [1951] Ch. 979; [1951] 2 T.L.R. 461; [1951] 2 All E.R. 353, C.A. *Distinguished*, Coutts & Co. *v.* Inland Revenue Commissioners [1953] A.C. 267; [1953] 2 W.L.R. 364

Westminster Bank *v.* Farley. *See* In re Ashton.

Westminster Bank Ltd. *v.* Inland Revenue Comrs. [1958] A.C. 210, 230; [1957] 3 W.L.R. 427; [1957] 2 All E.R. 745. *Dictum of Lord Reid approved*, Parker *v.* Lord Advocate [1960] A.C. 608; [1960] 2 W.L.R. 262, 269. *Distinguished*, Child's Trustee Co. *v.* Inland Revenue Commrs. [1960] Ch. 534; [1960] 2 W.L.R. 903

Westminster Corporation *v.* Southern Railway [1936] A.C. 511; 52 T.L.R. 541; [1936] 2 All E.R. 322. *Observations of Lord Wright applied*, London County Council *v.* Wilkins (Valuation Officer). Same *v.* Knight (Valuation Officer) [1955] 2 Q.B. 653; [1955] 2 W.L.R. 1095, C.A. *Applied*, [1957] A.C. 362; [1956] 3 W.L.R. 505, H.L. *Considered*, Peak *v.* Burley Golf Club [1960] 1 W.L.R. 568

Weston, In re [1902] 1 Ch. 680; 18 T.L.R. 326. *Distinguished and in part disapproved*, Birch *v.* Treasury Solicitor [1951] Ch. 298; [1951] 1 T.L.R. 225; [1950] 2 All E.R. 1198, C.A.

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Weston *v.* London County Council [1941] 1 K.B. 608; 57 T.L.R. 390; [1941] 1 All E.R. 555. *Applied*, Pullin *v.* Prison Commissioners [1957] 1 W.L.R. 1186

Westropp, In re (1903) 37 Ir.L.T. 183 (cited [1921] 1 Ch. 541). *Considered*, Thomson Settlement Trusts, In re, Robertson *v.* Makepeace [1953] Ch. 414; [1953] 2 W.L.R. 978

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Weymouth Corporation *v.* Nugent (1865) 6 B. & S. 22. *Distinguished*, Nyali Ld. *v.* Attorney-General [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649, C.A.

Wharton *v.* Masterman [1895] A.C. 186; 11 T.L.R. 301, H.L. *Applied*, In re A.E.G. Unit Trust (Managers) Deed [1957] Ch. 415; [1956] 3 W.L.R. 96. *Distinguished*, In re Levy, decd. [1960] Ch. 346; [1960] 2 W.L.R. 278

Wheatley *v.* Patrick (1837) 2 M. & W. 650. *Applied*, Trust Co. *v.* De Silva [1956] 1 W.L.R. 377, P.C.

Wheeldon *v.* Burrows (1879) 12 Ch.D. 31, C.A. *Followed*, In re Webb's Lease. Sandom *v.* Webb [1951] Ch. 808; [1951] 2 T.L.R. 530; [1951] 2 All E.R. 131, C.A.

Wheeler *v.* Bingham (1746) 1 Wils. 135, L.C. *Followed*, Leong *v.* Chye [1955] A.C. 648; [1955] 3 W.L.R. 304, P.C.

Wheeler *v.* Le Marchant (1881) 17 Ch.D. 675, C.A. *Distinguished*, Schneider *v.* Leigh [1955] 2 Q.B. 195; [1955] 2 W.L.R. 904, C.A.

Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714; [1955] 3 All E.R. 455, C.A. *Reversed* [1957] A.C. 416; [1956] 3 W.L.R. 842, H.L.

Whenman *v.* Clark [1916] 1 K.B. 94. *Applied*, Evans *v.* Brook [1959] 1 W.L.R. 657, D.C.

Whiffen *v.* Hartwright (1848) 11 Beav. 111. *Applied*, Rabin *v.* Mendoza [1954] 1 W.L.R. 271, C.A.

Whimster & Co. *v.* Inland Revenue Commissioners (1925) 12 T.C. 813 *Referred to;* Minister of National Revenue *v.* Anaconda American Brass [1956] A.C. 85; [1956] 2 W.L.R. 32, P.C.; *Considered*, Duple Motor Bodies Ltd. *v.* Inland Revenue Commissioners [1960] 1 W.L.R. 510

Whitby *v.* Burt, Boulton & Hayward Ltd. [1947] W.N. 238; 63 T.L.R. 458; [1947] 2 All E.R. 324. *Followed*, Whincup *v.* Joseph Woodhead & Sons (Engineers) Ltd. [1951] 1 All E.R. 387. *Doubted*, Dorman, Long & Co. Ltd. *v.* Hillier [1951] 1 All E.R. 357, D.C.

Whitby Corporation *v.* Grand Trunk Railway Co. (1901) 21 C.L.T. 226. *Considered*. Winnipeg (City of) *v.* Canadian Pacific Railway Co. [1953] A.C. 618; [1953] 3 W.L.R. 438, P.C.

White, In re [1913] 1 Ch. 231. *Dictum of Neville J. applied*, R. *v.* Davies [1955] 1 Q.B. 71; [1954] 3 W.L.R. 664, C.C.A.

White, decd., In re [1928] P. 75; 43 T.L.R. 729, C.A. *Distinguished*, In the Estate of Haslip, decd. [1958] 1 W.L.R. 583

White *v.* Bijou Mansions Ltd. [1938] Ch. 351; 54 T.L.R. 459; [1938] 1 All E.R. 546. *Dicta of Sir Wilfred Greene M.R. applied*, Stromdale & Ball Ltd. *v.* Burden [1952] Ch. 223; [1951] 2 T.L.R. 1192; [1952] 1 All E.R. 59

White *v.* Bristol Aeroplane Co. [1953] 2 W.L.R. 144; [1953] 1 All E.R. 40, C.A. *Followed*, Smith's (John) Tadcaster Brewery Co., In re, John Smith's Tadcaster Brewery *v.* Gresham Life Assurance Society [1953] Ch. 308; [1953] 2 W.L.R. 516, C.A.

White *v.* Redfern (1879) 5 Q.B.D. 15, D.C. *Considered*, Regina *v.* Cornwall Quarter Sessions. Ex parte Kerley [1956] 1 W.L.R. 906, D.C.

White *v.* Warwick (John) & Co. [1953] 1 W.L.R. 1285; [1953] 2 All E.R. 1021. *Dicta of Denning L.J. doubted*, Midland Silicones *v.* Scruttons [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761

White *v.* White (1803) 7 Ves. 423 *Considered*, In re Scarisbrick [1951] Ch. 622 [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A.

White *v.* White [1950] P. 39, 53; 65 T.L.R. 524; [1949] 2 All E.R. 339. *Dicta of Asquith L.J. applied*, Sofaer *v.* Sofaer [1960] 1 W.L.R. 1173

White's Will Trusts, In re [1955] Ch. 188; [1954] 3 W.L.R. 314; [1954] 2 All E.R. 620. *Considered*, In re Tacon. Public Trustee *v.* Tacon [1958] Ch. 447; [1958] 2 W.L.R. 67, C.A.

White, Child and Beney *v.* Simmons and Eagle, Star & British Dominions Insurance Co. (1921) 7 Ll.L.R. 187; 8 Ll.L.R. 170; (1922) 10 Ll.L.R. 278; 11 Ll.L.R. 7; 38 T.L.R. 616, C.A. *Considered*, Luigi Monta of Genoa *v.* Cechofracht [1956] 2 Q.B. 552; [1956] 3 W.L.R. 481

White-Popham Settled Estates, In re [1936] Ch. 725; [1936] 2 All E.R. 1486, C.A. *Considered*, Downshire Settled Estates, In re, Marquess of Downshire *v.* Royal Bank of Scotland [1953] Ch. 218; [1953] 2 W.L.R. 94, C.A.

Whitehead, In re, Whitehead *v.* Hemsley [1920] 1 Ch. 298; 36 T.L.R. 129. *Considered*, In re Kilvert, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Kilvert [1957] Ch. 388; [1957] 2 W.L.R. 854

Whitehorn Brothers *v.* Davison [1911] 1 K.B. 463 C.A. *Applied*, Butterworth *v.* Kingsway Motors [1954] 1 W.L.R. 1286

Whiteley *v.* Hilt [1918] 2 K.B. 808; 34 T.L.R. 592, C.A. *Distinguished*, United Dominions Trust (Commercial) *v.* Parkway Motors [1955] 1 W.L.R. 719

Whiteley *v.* Whiteley [1946] 2 All E.R. 726. *Considered*, Bithell *v.* Bithell [1955] P. 76; [1954] 3 W.L.R. 463

Whiteley *v.* Wilson [1953] 1 Q.B. 77; [1952] 2 T.L.R. 802; [1952] 2 All E.R. 940. *Applied*, R. *v.* Brighton and Area Rent Tribunal, Ex parte Slaughter [1954] 1 Q.B. 446; [1954] 2 W.L.R. 289, D.C.

Whiteman Smith Motor Co. Ld. *v.* Chaplin [1934] 2 K.B. 35; 50 T.L.R. 301, D.C. *Applied*, Rialto Cinemas Ld. *v.* Wolfe [1955] 1 W.L.R. 693

Whitfield *v.* Le Despencer (1778) 2 Cowp. 754. *Dicta of Lord Mansfield approved*, Triefus & Co. *v.* Post Office [1957] 2 Q.B. 352; [1957] 3 W.L.R. 2, C.A.

Whiting, In re [1913] 2 Ch. 1. *Distinguished*, In re Midgley, decd., Barclays Bank *v.* Midgley [1955] Ch. 576; [1955] 3 W.L.R. 119

Whitley *v.* Stumbles [1930] A.C. 544; 46 T.L.R. 555, H.L. *Considered*, M. & J. S. Properties *v.* White [1959] 2 Q.B. 25; [1959] 2 W.L.R. 525, C.A.

Whitmore-Searle *v.* Whitmore-Searle [1907] 2 Ch. 332. *Distinguished*, Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

Whitney *v.* Inland Revenue Commissioners [1926] A.C. 37; 42 T.L.R. 58, H.L. *Considered*, Stokes *v.* Bennett (Inspector of Taxes) [1953] Ch. 566; [1953] 3 W.L.R. 170. *Dictum of Lord Dunedin distinguished*, R. *v.* Income Tax Special Commissioners, ex parte Linsleys (Established 1894) [1957] 2 Q.B. 78; [1957] 2 W.L.R. 655, C.A. *Applied*, Baker *v.* Sims [1959] 1 Q.B. 114; [1958] 3 W.L.R. 546, C.A. *Dicta of Lord Dunedin applied*, Income Tax Special Commissioners *v.* Linsleys (Established 1894) [1958] A.C. 569; [1958] 2 W.L.R. 292

Whitney *v.* Whitney [1951] P. 250; [1951] 1 T.L.R. 493; [1951] 1 All E.R. 301. *Overruled*, Viney *v.* Viney [1951] P. 457; [1951] 2 T.L.R. 705; [1951] 2 All E.R. 204, D.C.

Whitrick, In re. Sutcliffe *v.* Sutcliffe [1957] 1 W.L.R. 884; [1957] 2 All E.R. 467, C.A. *Applied*, In re Bacharach's Will Trusts [1959] Ch. 245; [1959] 2 W.L.R. 1

Whitstable Oyster Fishery Co. *v.* Hayling Fisheries (1900) 17 R.P.C. 461. *Distinguished*, Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

Whittall *v.* Kirby [1947] K.B. 194; 62 T.L.R. 696; [1946] 2 All E.R. 552, D.C. *Applied*, Lines *v.* Hersom [1951] 2 K.B. 682; [1951] 2 T.L.R. 481; [1951] 2 All E.R. 650, D.C.; Aichroth *v.* Cottee [1954] 1 W.L.R. 1124, D.C.

Whittemore *v.* Whittemore (1869) L.R. 8 Eq. 603. *Applied*, Watson *v.* Burton [1957] 1 W.L.R. 20

Whittle (An Infant), In re [1955] 1 W.L.R. 1405; *sub nom.* W. (An Infant), In re [1953] 2 All E.R. 1337, C.A. *Considered*, In re W. —— (Infants) [1956] Ch. 384; [1956] 2 W.L.R. 494, C.A.

Whitton *v.* Whitton [1901] P. 348. *Applied*, Garforth-Bles *v.* Garforth-Bles [1951] P. 218; [1951] 1 T.L.R. 449; [1951] 1 All E.R. 308. *Followed*, In re Poole's Settlement Trusts [1959] 1 W.L.R. 651

Whitty *v.* Scott-Russell [1950] 2 K.B. 32; 66 T.L.R. (Pt. 1) 1003; [1950] 1 All E.R. 884, C.A. *Followed*, Court *v.* Robinson [1951] 2 K.B. 60; [1951] 1 All E.R. 209, C.A. *Considered*, Lower *v.* Porter [1956] 1 Q.B. 325; [1956] 2 W.L.R. 216, C.A.

Wholesale and Retail Bakers of Scotland Association's Agreement (1959) L.R. 1 R.P. 347, 379, 382. *Applied*, In re Federation of Wholesale and Multiple Bakers' (Great Britain and Northern Ireland) Agreement [1960] 1 W.L.R. 393; In re Phenol Producers' Agreement [1960] 1 W.L.R. 464

Whysall *v.* Whysall [1959] 3 W.L.R. 592; [1959] 3 All E.R. 389. *Considered*, Mesure *v.* Mesure [1960] P. 184; [1960] 3 W.L.R. 78

Wickham *v.* Hawker (1840) 7 M. & W. 63. *Referred to*, Mason *v.* Clarke [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48, C.A.

Wickham *v.* New Brunswick and Canada Railway Co. (1865) L.R. 1 P.C. 64, 75, 76. *Dicta of Lord Chelmsford applied*, Ghana Commercial Bank *v.* Chandiram [1960] A.C. 732; [1960] 3 W.L.R. 328

Wickhambrook Parochial Church Council *v.* Croxford [1935] 2 K.B. 417, C.A.; sub nom. In re Chancel Repairs Act, 1932, Wickhambrook Parochial Church Council *v.* Croxford, 51 T.L.R. 424, C.A. *Applied*, Chivers & Sons *v.* Air Ministry [1955] Ch. 585; [1955] 3 W.L.R. 154

Wiffen *v.* Bailey and Romford Urban District Council [1915] 1 K.B. 600; 31 T.L.R. 64, C.A. *Applied*, Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

Wigram Family Settled Estates (In Liquidation) *v.* Inland Revenue Commissioners [1956] 3 All E.R. 118. *Affirmed* [1957] 1 W.L.R. 233; [1957] 1 All E.R. 311. *Decision of the Court of Appeal affirmed* [1958] 1 W.L.R. 213, H.L.

Wijeymanne *v.* Kandiah (1933) 35 C.N.L.R. 244. *Approved*, Selvanayagam *v.* The King [1951] A.C. 83, P.C.

Wilby, In re [1956] P. 174; [1956] 2 W.L.R. 262; [1956] 1 All E.R. 27. *Not followed*, In re Marshall, decd. Barclays Bank Ltd. *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 440

Wilchick *v.* Marks and Silverstone [1934] 2 K.B. 56. *Applied*, Mint *v.* Good [1951] 1 K.B. 517; 66 T.L.R. (Pt. 2) 110; [1950] 2 All E.R. 1159, C.A.

Wild *v.* Harris (1849) 7 C.B. 999. *Applied*, Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265, C.A.

Wild *v.* Southwood [1897] 1 Q.B. 317. *Considered*, In re J. W. Love [1951] Ch. 952; [1951] 2 T.L.R. 183; [1951] 2 All E.R. 321

Wilenkin *v.* The Liquidator. *See* In re Banque des Marchands de Moscou (Koupetschesky).

Wiles Maddison [1943] W.N. 40; [1943] 1 All E.R. 315, D.C. *Distinguished*, Fisher *v.* Bell [1961] 1 Q.B. 394; [1960] 3 W.L.R. 919

Wilkins *v.* Wilkins [1896] P. 108; 12 T.L.R. 212, C.A. *Considered*, Bullock *v.* Bullock [1960] 1 W.L.R. 975

Wilkinson, In re, Ex parte Fowler [1905] 2 K.B. 713. *Applied*, In re Tout and Finch [1954] 1 W.L.R. 178

Wilkinson, In re, Page *v.* Public Trustee [1926] Ch. 842. *Considered*, Wolffe, In re, Shapley *v.* Wolffe [1953] 1 W.L.R. 1211

Wilkinson *v.* Joughin (1866) L.R. 2 Eq. 319. *Applied*, Posner, decd., In the Estate of, Posner *v.* Miller [1953] P. 277; [1953] 2 W.L.R. 1149

Wilkinson *v.* Rea [1941] 1 K.B. 688; [1941] 2 All E.R. 50, C.A. *Considered*, Bryers *v.* Canadian Pacific Steamships [1956] 1 W.L.R. 1182. *Applied* [1957] 1 Q.B. 134; [1956] 3 W.L.R. 777, C.A.; sub nom. Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 994, H.L. *Approved*, Thomson *v.* Cremin [1956] 1 W.L.R. 130n., H.L.

Wilks, In re [1891] 3 Ch. 59; 77 T.L.R. 538. *Considered*, In re Schär, decd. [1951] Ch. 280; 66 T.L.R. (Pt. 2) 1131; [1950] 2 All E.R. 1069

Wilks *v.* Williams (1861) 2 J. & H. 125. *Not applied*, In re Arnould, decd., Arnould *v.* Lloyd [1955] 1 W.L.R. 539

Willesford *v.* Watson (1873) L.R. 8 Ch. 473, 479. *Dictum of Lord Selbourne L.C. applied*, W. Bruce Ltd. *v.* J. Strong [1951] 2 K.B. 447; [1951] 1 All E.R. 1021, C.A.

William Cory & Son Ltd. *v.* London Corporation [1951] 1 K.B. 8; 66 T.L.R. (Pt. 2) 265; [1950] 2 All E.R. 584. *Affirmed* [1951] 2 K.B. 476; [1951] 2 T.L.R. 174; [1951] 1 All E.R. 85, C.A.

William Ewing & Co. *v.* Dominion Bank [1904] A.C. 806. *Considered*, Fung Kai Sun *v.* Chan Fui Hing [1951] A.C. 489; [1951] 2 T.L.R. 47, P.C.

William Thomas Shipping Co., In re [1930] 2 Ch. 368. *Distinguished*, Alliance Perpetual Building Society *v.* Belrum Investments [1957] 1 W.L.R. 721

Williams *v.* Bagot (Lord) (1824) 4 Dow. & Ry K.B. 315. *Applied*, R. *v.* Medical Appeal Tribunal. Ex parte Gilmore [1957] 1 Q.B. 574; [1957] 2 W.L.R. 499, C.A.

Williams *v.* Ellis (1880) 5 Q.B.D. 175. *Distinguished*, Corkery *v.* Carpenter [1951] 1 K.B. 102; 66 T.L.R. (Pt. 2) 333; [1950] 2 All E.R. 745, D.C.

Williams *v.* Hopkins. *See* In re Rees' Will Trusts.

Williams *v.* Linnitt [1951] 1 K.B. 565; [1951] 1 T.L.R. 94; [1951] 1 All E.R. 278, C.A. *Considered*, Gresham *v.* Lyon [1954] 1 W.L.R. 1100

Williams *v.* Manisselian Frères (1923) 17 Ll.L.Rep. 72, C.A. *Applied*, Universal Cargo Carriers Corporation *v.* Citati [1958] 2 Q.B. 254; [1958] 3 W.L.R. 109, C.A.

Williams *v.* Morgan [1906] 1 Ch. 804. *Considered*, Karachiwalla *v.* Nanji [1959] A.C. 518; [1958] 3 W.L.R. 572, P.C.

Williams *v.* Muir [1943] A.C. 468. *Observations of Lord Romer applied*, In re Bransbury, decd. [1954] 1 W.L.R. 496

Williams *v.* Portman (Viscount) [1951] 2 K.B. 948; [1951] 2 T.L.R. 526; [1951] 2 All E.R. 539, C.A. *Followed*, Pasmore *v.* Whitbread & Co. [1953] 2 Q.B. 226; [1953] 2 W.L.R. 359, C.A. *Considered*, Corsini *v.* Montague Burton [1953] 2 Q.B. 126; [1953] 2 W.L.R. 1092, C.A.

Williams *v.* Sykes & Harrison [1955] 1 W.L.R. 1180; [1955] 3 All E.R. 225, C.A. *Applied*, Hodkinson *v.* H. Wallwork & Co. [1955] 1 W.L.R. 1195, C.A.; Rushton *v.* Turner Bros. Asbestos Co. Ltd. [1960] 1 W.L.R. 96

Williams *v.* Wallis & Cox [1914] 2 K.B. 478. *Applied*, Trayfoot *v.* Lock [1957] 1 W.L.R. 351, C.A.

Williams *v.* Williams [1939] P. 365; 55 T.L.R. 1040; [1939] 3 All E.R. 825, C.A. *Disapproved*, Crowther *v.* Crowther [1951] A.C. 723; [1951] 1 T.L.R. 1149; [1951] 1 All E.R. 1131, H.L.

Williams *v.* Williams [1943] 2 All E.R. 746, C.A. *Distinguished*, Parrock *v.* Parrock [1956] 1 W.L.R. 271. *Followed*, Day *v.* Day [1957] P. 202; [1957] 2 W.L.R. 684

Williams *v.* Williams & Nathan [1937] W.N. 208; [1937] 2 All E.R. 559, C.A. *Applied*, Barclays Bank *v.* Roberts [1954] 1 W.L.R. 1212, C.A.

Williams *v.* Williams, The Times, March 15, 1958. *Distinguished*, Bohnel *v.* Bohnel [1960] 1 W.L.R. 590

Williams Brothers *v.* Aigus (E. T.) Ltd. [1914] A.C. 510; 30 T.L.R. 351, H.L. *Considered*, Mouat (J. N.) *v.* Betts Motors Ltd. [1959] A.C. 71; [1958] 3 W.L.R. 598, P.C.

Williams' Settlement, In re, Greenwell *v.* Humphries [1929] 2 Ch. 361; 45 T.L.R. 541, C.A. *Followed*, In re Allan, Allan *v.* Midland Bank Executor and Trustee Co. [1954] Ch. 295; [1954] 2 W.L.R. 512, C.A.

Williams' Trustees *v.* Inland Revenue Commissioners [1947] A.C. 447; 63 T.L.R. 352; [1947] 1 All E.R. 513, H.L. *Distinguished*, Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 3 W.L.R. 135, C.A. *Applied*, sub nom. Inland Revenue Commissioners *v.* Baddeley [1955] A.C. 572; [1955] 2 W.L.R. 553, H.L. *Followed*, In re Cole [1958] Ch. 877; [1958] 3 W.L.R. 447, C.A. *Considered*, In re Endacott, decd. Corpe *v.* Endacott [1960] Ch. 232; [1959] 3 W.L.R. 799, C.A.

Williamson *v.* Williamson (1874) L.R. 9 Ch. 729. *Applied*, Drive Yourself Hire Co. (London) *v.* Strutt [1953] 2 W.L.R. 953

Willis *v.* Gipps (1846) 5 Moo.P.C.C. 379, P.C. *Considered*, Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331

Willis *v.* Moulded Products (Australia) [1951] V.L.R. 58. *Approved*, James Patrick & Co. Proprietary *v.* Sharpe [1955] A.C. 1; [1954] 3 W.L.R. 539, P.C.

Willmott *v.* Barber (1880) 15 Ch.D. 96. *Applied*, Armstrong *v.* Sheppard and Short [1959] 2 Q.B. 384; [1959] 3 W.L.R. 84, C.A.

Willmott *v.* London Road Car Co. [1910] 2 Ch. 525; 27 T.L.R. 4. *Applied*, Greater London Properties Ltd.'s Lease, In re. Taylor Bros. (Grocers) *v.* Covent Garden Properties Co. [1959] 1 W.L.R. 503

Willoughby, In re (1885) 30 Ch.D. 324; 1 T.L.R. 652, C.A. *Applied*, Harben *v.* Harben [1957] 1 W.L.R. 262

Wills's Will Trusts, In re. Wills *v.* Wills [1959] 1 Ch. 1; [1958] 3 W.L.R. 101; [1958] 2 All E.R. 472. *Dictum of Upjohn J. considered*, In re Pilkington's Will Trusts [1959] Ch. 699; [1959] 3 W.L.R. 116

Wilmot *v.* Alton [1897] 1 Q.B. 17; 13 T.L.R. 58, C.A. *Distinguished*, In re Tout and Finch [1954] 1 W.L.R 178

Wilson, In re, Grace *v.* Lucas [1954] Ch. 733; [1954] 2 W.L.R. 1097; [1954] 1 All E.R. 997. *Considered*, In re Willy, decd. [1956] P. 174; [1956] 2 W.L.R. 263; In re Marshall, decd. Barclays Bank *v.* Marshall [1957] Ch. 263; [1957] 2 W.L.R. 440

Wilson, In re, Twentyman *v.* Simpson [1913] 1 Ch. 314. *Applied*, In re Hillier's Trusts, Hillier *v.* Attorney-General [1954] 1 W.L.R. 700, C.A.

Wilson *v.* Darling Island Stevedoring Co. [1956] 1 Lloyd's Rep. 346. *Applied*, Midland Silicones *v.* Scruttons [1959] 2 Q.B. 121; [1960] 3 W.L.R. 372

Wilson *v.* Duguid (1883) 24 Ch.D. 244. *Applied*, In re Scarisbrick [1951] Ch. 622; [1951] 1 T.L.R. 989; [1951] 1 All E.R. 822, C.A. *Distinguished*, Inland Revenue Commissioners *v.* Broadway Cottages Trust. Same *v.* Sunnylands Trust [1955] Ch. 20; [1954] 3 W.L.R. 438, C.A.

Wilson *v.* Glossop (1887) 19 Q.B.D. 379; (1888) 20 Q.B.D. 354, 356; 4 T.L.R. 239, C.A. *Applied*, Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 2, D.C.

Wilson *v.* Kingston-upon-Thames Corpn. (1948) 64 T.L.R. 553; [1948] 2 All E.R. 780; affirmed [1949] 1 All E.R. 679. *Decision of Morris J. considered*, Burton *v.* West Suffolk County Council [1960] 1 Q.B. 72; [1960] 2 W.L.R. 745, 749

Wilson *v.* O'Leary (1872) L.R. 7 Ch.App. 448. *Considered*, In re Royce's Will Trusts. Tildesley *v.* Tildesley [1959] Ch. 626; [1959] 3 W.L.R. 254, C.A.

Wilson *v.* Wilson [1958] 1 W.L.R. 1090; [1958] 3 All E.R. 195. *Considered*, Storey *v.* Storey [1960] 3 W.L.R. 653

Wilson Bros. *v.* Edwards. Hudson's Bay Co. *v.* Thompson [1958] 1 W.L.R. 955; 102 S.J. 634; [1958] 3 All E.R. 243; 51 R. & I.T. 522; 56 L.G.R. 327; 3 R.R.C. 224. *Decision of the Court of Appeal reversed*, Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1960] A.C. 926; [1959] 3 W.L.R. 317, H.L.

Wilsons (Dunblane) *v.* Inland Revenue Commissioners (1952) 45 R. & I.T. 618. *Affirmed*, Inland Revenue Commissioners *v.* Wilsons (Dunblane) [1954] 1 W.L.R. 282, H.L.

Wilsons and Clyde Coal Co. *v.* English [1938] A.C. 57; 53 T.L.R. 944; [1937] 3 All E.R. 628, H.L. *Applied*, Harris *v.* Brights Asphalt Contractors [1953] 1 Q.B. 617; [1953] 1 W.L.R. 341. *Dictum of Lord Maugham applied*, Davie *v.* New Merton Board Mills [1957] 2 Q.B. 368; [1957] 2 W.L.R. 747. *Discussed*, Davie *v.* New Merton Board Mills [1958] 1 Q.B. 210; [1958] 2 W.L.R. 22, C.A. *Dictum of Lord Wright considered*, Riverstone Meat Co. Pty. *v.* Lancashire Shipping Co. [1959] 1 Q.B. 74; [1958] 3 W.L.R. 482. *Distinguished*, Green *v.* Fibreglass [1958] 2 Q.B. 245; [1958] 3 W.L.R. 71. *Explained*, Davie *v.* New Merton Board Mills [1959] A.C. 604; [1959] 2 W.L.R. 331, H.L. *Dictum of Lord Wright applied*, Matthews *v.* Kuwait Bechtel Corporation [1959] 2 Q.B. 57; [1959] 2 W.L.R. 702, C.A. *Dictum of Lord Wright explained*, Riverstone Meat Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1961] 2 W.L.R. 269, H.L.

Wiltshire Iron Co., In re, Ex parte Pearson (1868) 3 Ch.App. 443, L.JJ. *Applied*, In re T. W. Construction [1954] 1 W.L.R. 540

Wimperis, In re [1914] 1 Ch. 502. *Distinguished*, In re Stratton's Disclaimer [1957] 1 Ch. 132; [1956] 3 W.L.R. 1054. *Considered* [1958] Ch. 42; [1957] 3 W.L.R. 199, C.A.

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1225 **Magna Carta Act** (9 Hen. 3, c. 36): Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672

1279 **Statute De Religiosis Viris Act** (7 Edw. 1): Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672

1361 **Justices of the Peace Act** (34 Edw. 3, c. 1): R. *v.* London Sessions; *Ex parte* Beaumont [1951] 1 K.B. 557; [1951] 1 T.L.R. 258; [1951] 1 All E.R. 232; R. *v.* Sharp. R. *v.* Johnson [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472

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1696 **Plate Act** (8 & 9 Will. 3, c. 8), s. 9: Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

1700 **Act of Settlement** (12 & 13 Will. 3, c. 2), s. 3: Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331

1705 **Princess Sophia Naturalization** (4 & 5 Anne, c. 16): Prince Ernest of Hanover *v.* Attorney-General [1955] Ch. 440; [1955] 3 W.L.R. 868

1708 **Diplomatic Privileges Act** (7 Anne, c. 12), s. 3: *In re* C. (An Infant) [1958] 3 W.L.R. 309

1719 **Plate Duty Act** (6 Geo. 1, c. 11), s. 3: Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

1730 **Landlord and Tenant Act** (4 Geo. 2, c. 28)—
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1735 **Charitable Uses Act** (9 Geo. 2, c. 36): Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672

1738 **Plate (Offences) Act** (12 Geo. 2, c. 26), ss. 1, 5, 6, 22: Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

1770 **Parliamentary Privilege Act** (10 Geo. 3, c. 50): *In re* Parliamentary Privilege Act, 1770 [1958] A.C. 331; [1958] 2 W.L.R. 912

1774 **Fires Prevention (Metropolis) Act** (14 Geo. 3, c. 78), s. 86: Solomons *v.* R. Gertzenstein [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823; [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317; Williams *v.* Owen [1955] 1 W.L.R. 1293

1780 **Sunday Observance Act** (21 Geo. 3, c. 49), s. 1: Culley *v.* Harrison [1956] 2 Q.B. 71; [1956] 3 W.L.R. 21

1798 **Gold Plate (Standard) Act** (38 Geo. 3, c. 69), ss. 1, 2, 4, 6: Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

1800 **Criminal Lunatics Act** (39 & 40 Geo. 3, c. 94), s. 2: R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718, C.C.A.

1801 **House of Commons (Clergy Disqualification) Act** (41 Geo. 3, c. 63), ss. 1, 2, 4: *In re* Macmanaway and *In re* The House of Commons (Clergy Disqualification) Act, 1801 [1951] A.C. 161; (1950) 66 T.L.R. (Pt. 2) 808, P.C.

Inclosure Act (Scremby) (41 Geo. 3, c. cxxiv)—
  In re Scremby Corn Rents [1960] 1 W.L.R. 648, 1227

1812 **Charities Procedure Act** (52 Geo. 3, c. 101), s. 3: *In re* Elsie Inglis (London) Memorial Fund [1954] 1 W.L.R. 407

1814 **Apprentices Act** (54 Geo. 3, c. 96), s. 2: McDonald *v.* John Twiname [1953] 2 Q.B. 304; [1953] 3 W.L.R. 347

1816 **Habeas Corpus Act** (56 Geo. 3, c. 100)—

ss. 3, 4: R. *v.* Board of Control, *Ex parte* Rutty [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822

ss. 3, 6: *In re* Hastings (No. 2) [1959] 1 Q.B. 358; [1958] 3 W.L.R. 768; *In re* Hastings (No. 3) [1959] Ch. 368; [1959] 1 W.L.R. 807; [1959] 2 W.L.R. 454

1817 **Metropolitan Paving Act** (57 Geo 3, c. xxix)—

s. 90: Pearl *v.* London County Council [1961] 1 Q.B. 287; [1960] 3 W.L.R. 881

1822 **Criminal Justice Act** (3 Geo. 4, c. 46), s. 2: Treasury *v.* Harris [1957] 2 Q.B. 516; [1957] 3 W.L.R. 12

1824 **Vagrancy Act** (5 Geo. 4, c. 83), s. 4: R. *v.* Harris [1951] 1 K.B. 107; (1950) 66 T.L.R. (Pt. 2) 739; [1956] 1 Q.B. 36; Carnill *v.* Edwards [1953] 1 W.L.R. 290; R. *v.* Grimsby Borough Quarter Sessions, *Ex parte* Fuller [1955] 3 W.L.R. 563; Reg. *v.* James [1960] 1 W.L.R. 812

1832 **Prescription Act** (2 & 3 Will. 4, c. 71), ss. 2, 4: Reilly *v.* Orange [1955] 2 Q.B. 112; [1955] 1 W.L.R. 616

1833 **Poor Rate Exemption Act** (3 & 4 Will. 4, c. 30), ss. 1, 2: Rogers *v.* Lewisham Borough Council [1951] 2 K.B. 768; [1951] 2 T.L.R. 715; [1951] 2 All E.R. 718

1835 **Highway Act** (5 & 6 Will. 4, c. 50)—

ss. 5, 23: Robinson *v.* Richmond (Surrey) Borough Council [1955] 1 Q.B. 401; [1955] 2 W.L.R. 333

s. 23: Margate Corporation *v.* Roach [1960] 1 W.L.R. 1380; Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

s. 67: Pemberton *v.* Bright [1960] 1 W.L.R. 436

s. 91: Walsh *v.* Oates [1953] 1 Q.B. 578; [1953] 2 W.L.R. 835

1836 **School Sites Act** (6 & 7 Will. 4, c. 70)—

ss. 1, 2, 3: Bankes *v.* Salisbury Diocesan Council of Education Incorporated [1960] Ch. 631; [1960] 2 W.L.R. 916

Marriage Act (6 & 7 Will. 4, c. 85), s. 23: Dinizulu *v.* Attorney-General [1958] 1 W.L.R. 1252

London Cemetery Act (6 & 7 Will. 4, c. cxxxvi), ss. 10, 11, 12, 14, 16, 17, 43, 44, 89: London Cemetery Co. *v.* Cundey [1953] 1 W.L.R. 786

1837 **Wills Act** (7 Will. 4 & 1 Vict. c. 26)—

s. 9: Alberti, decd., In the Estate of [1955] 1 W.L.R. 1240; In the Estate of Cook, decd. [1960] 1 W.L.R. 353; In the Estate of Little, decd. [1960] 1 W.L.R. 495

s. 11: In the Estate of Colman, decd. [1958] 1 W.L.R. 457

s. 15: *In re* Young, decd., Young *v.* Young [1951] Ch. 344; *In re* Peacock, decd. [1957] Ch. 310; [1957] 2 W.L.R. 793; *In re* Royce's Will Trusts, Tildesley *v.* Tildesley [1959] Ch. 191; [1958] 3 W.L.R. 676; [1959] Ch. 626; [1959] 3 W.L.R. 254

s. 18: In the Estate of Langston [1953] P. 100; [1953] 1 W.L.R. 581

s. 20: Alberti, decd., In the Estate of [1955] 1 W.L.R. 1240

s. 24: *In re* Edwards, decd., Macadam *v.* Wright [1957] Ch. 21; [1956] 3 W.L.R. 771; [1958] Ch. 168; [1957] 3 W.L.R. 131

s. 27: *In re* Thirlwell, decd., [1958] Ch. 146; [1957] 3 W.L.R. 850; *In re* Waite's Settlement Trusts [1958] Ch. 100; [1957] 2 W.L.R. 1024

s. 33: *In re* Basioli, decd., McGahey *v.* Depaoli [1953] Ch. 367; [1953] 2 W.L.R. 251

1838 **Small Tenements Recovery Act** (1 & 2 Vict. c. 74), s. 1: Mills *v.* Allen [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356

Judgments Act (1 & 2 Vict. c. 110), s. 12: London County Council *v.* Marks [1959] Ch. 239; [1959] 2 W.L.R. 17

1839 **Metropolitan Police Act** (2 & 3 Vict. c. 47)—

s. 50: R. *v.* London Quarter Sessions, *Ex parte* Bowes [1951] 1 K.B. 383; (1950) 66 T.L.R. (Pt. 2) 804

s. 54 (2): Ross *v.* Evans [1959] 2 Q.B. 79; [1959] 2 W.L.R. 699

s. 54 (6): R. *v.* London Sessions, *Ex parte* Beaumont [1951] 1 K.B. 557; [1951] 1 T.L.R. 258

s. 54 (13): Bryan *v.* Robinson [1960] 1 W.L.R. 506; *In re* A Solicitor [1960] 2 Q.B. 212; [1960] 3 W.L.R. 138

s. 66: Willey *v.* Peace [1951] 1 K.B. 94; (1950) 66 T.L.R. (Pt. 2) 450

Metropolitan Police Courts Act (2 & 3 Vict. c. 71), s. 50: R. *v.* Deputy Chairman of the County of London Quarter Sessions Appeals Committee. *Ex parte* Borg [1958] 1 Q.B. 43; [1957] 3 W.L.R. 585

1840 **Parliamentary Papers Act** (3 & 4 Vict. c. 9)—

s. 3: Dingle *v.* Associated Newspapers Ltd. [1960] 2 Q.B. 405; [1960] 2 W.L.R. 430

1841 **School Sites Act** (4 & 5 Vict. c. 38)—

ss. 1, 2: Bankes *v.* Salisbury Diocesan Council of Education Incorporated [1960] Ch. 631; [1960] 2 W.L.R. 916

ss. 2, 7: *In re* Ingleton Charity. Croft *v.* Attorney-General [1956] Ch. 585; [1956] 3 W.L.R. 369

1842 **Defence Act** (5 & 6 Vict. c. 94): Watson *v.* Secretary of State for Air [1954] 1 W.L.R. 1477

1843 **Scientific Societies Act** (6 & 7 Vict. c. 36), s. 1: Institute of Fuel *v.* Morley (Valuation Officer) and St. Marylebone Metropolitan Borough Council [1955] 1 Q.B. 317; [1955] 2 W.L.R. 157; [1956] A.C. 245; [1956] 2 W.L.R. 64; O'Sullivan (Valuation Officer) *v.* English Folk Dance and Song Society [1955] 1 W.L.R. 907; London Library *v.* Cane

1843 **Scientific Societies Act**—*continued.* (Valuation Officer) [1959] 3 W.L.R. 929; Institution of Mechanical Engineers *v.* Cane [1960] 1 Q.B. 388; [1960] 2 W.L.R. 48; [1960] 3 W.L.R. 978; Society of Medical Officers of Health *v.* Hope [1960] A.C. 551; [1960] 2 W.L.R. 404

Theatres Act (6 & 7 Vict. c. 68)—

ss. 5, 9: R. *v.* Flintshire County Council Licensing (Stage Plays) Committee, *Ex parte* Barrett [1956] 1 W.L.R. 1415; [1957] 1 Q.B. 350; [1957] 2 W.L.R. 90

s. 15: Lovelace *v.* Director of Public Prosecutions [1954] 1 W.L.R. 1468

1845 **Lands Clauses Consolidation Act** (8 & 9 Vict. c. 18)—

ss. 76, 78: *In re* County of London (Devons Road, Poplar) Housing Confirmation Order, 1945 [1956] 1 W.L.R. 499

ss. 81, 82, 83: *In re* West Ferry Road, Poplar, *In re* Padwick's Estate [1955] 1 W.L.R. 439, 751

s. 123: Grice *v.* Dudley Corporation [1958] Ch. 329; [1957] 3 W.L.R. 314

Railways Clauses Consolidation Act (8 & 9 Vict. c. 20)—

s. 16: British Transport Commission *v.* Westmorland County Council [1958] A.C. 126; [1957] 2 W.L.R. 1032

ss. 46, 50: Monmouthshire County Council *v.* British Transport Commission [1957] 1 W.L.R. 456, 1146

s. 68: Cooper *v.* Railway Executive [1953] 1 W.L.R. 223; British Transport Commission *v.* Westmorland County Council [1958] A.C. 126; [1957] 2 W.L.R. 1032

Gaming Act (8 & 9 Vict. c. 109), s. 17: Reg. *v.* Clucas; Reg. *v.* O'Rourke [1959] 1 W.L.R. 244

1846 **Fatal Accidents Act** (9 & 10 Vict. c. 93): Woods *v.* W. H. Rhodes & Son, and Mersey Docks and Harbour Board [1953] 1 W.L.R. 1072; Dummer *v.* Brown [1953] 1 Q.B. 710; [1953] 2 W.L.R. 984; Peacock *v.* Amusement Equipment Co. [1954] 1 W.L.R. 803; [1954] 3 W.L.R. 288; Mead *v.* Clarke Chapman & Co. [1956] 1 W.L.R. 76

s. 1: Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015; Pigney *v.* Pointer's Transport Services [1957] 1 W.L.R. 1121

s. 2: Stebbings *v.* Holst & Co. [1953] 1 W.L.R. 603; Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015; Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445; Burgess *v.* Florence Nightingale Hospital for Gentlewomen [1955] 1 Q.B. 349; [1955] 2 W.L.R. 533; Jenner *v.* Allen West & Co. [1959] 1 W.L.R. 554.

s. 3: Morgan *v.* Ashmore, Benson, Pease & Co. and Samuel Fox & Co. [1953] 1 W.L.R. 418; Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015

s. 4: Stebbings *v.* Holst & Co. [1953] 1 W.L.R. 603

1846–1908 **Fatal Accidents Acts** (8 Edw. 7, c. 7): Thomason *v.* Swan Hunter & Wigham Richardson; The Albion (No. 2) [1954] 1 W.L.R. 1220

1847 **Waterworks Clauses Act** (10 & 11 Vict. c. 17), s. 72: Sowerby Bridge Urban District Council *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1

Harbours, Docks and Piers Clauses Act (10 & 11 Vict. c. 27)—

s. 33: Pigott (J. H.) & Son *v.* Docks and Inland Waterways Executive [1953] 1 Q.B. 338; [1953] 1 W.L.R. 94

ss. 56, 74: Stonedale No. 1 (Owners) *v.* Manchester Ship Canal Co., The Stonedale No. 1 [1954] P. 388; [1954] 2 W.L.R. 1075; The Stonedale No. 1 [1956] A.C. 1; [1955] 3 W.L.R. 203

s. 74: Workington Harbour and Dock Board *v.* Towerfield (Owners) [1951] A.C. 112; (1950) 66 T.L.R. (Pt. 2) 387

Town Police Clauses Act (10 & 11 Vict. c. 89), s. 21: Brownsea Haven Properties *v.* Poole Corporation [1957] 1 W.L.R. 669; [1958] Ch. 574; [1958] 2 W.L.R. 137

1848 **Indictable Offences Act** (11 & 12 Vict. c. 42)—

s. 12: R. *v.* Metropolitan Police Commissioner, *Ex parte* Melia [1957] 1 W.L.R. 1065

s. 17: R. *v.* Norfolk Quarter Sessions, *Ex parte* Brunson [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294

Summary Jurisdiction Act (11 & 12 Vict. c. 43)—

s. 5: Ferguson *v.* Weaving [1951] 1 K.B. 814; [1951] 1 T.L.R. 465; [1951] 1 All E.R. 412; Brown *v.* Allweather Mechanical Grouting Co. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402

s. 10: Moore *v.* Ray [1951] 1 K.B. 98; (1950) 66 T.L.R. (Pt. 2) 721

s. 11: Cox *v.* Stinton [1951] 2 K.B. 1021; [1951] 2 T.L.R. 728; R. *v.* Wimbledon JJ., *Ex parte* Derwent [1953] 1 Q.B. 380; [1953] 2 W.L.R. 350

s. 17: R. *v.* Norfolk Quarter Sessions, *Ex parte* Brunson [1953] 1 Q.B. 503; [1953] 2 W.L.R. 294

ss. 28, 35: R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409

Justice Protection Act (11 & 12 Vict. c. 44), s. 2: O'Connor *v.* Isaacs [1956] 2 Q.B. 288; [1956] 2 W.L.R. 586; [1956] 3 W.L.R. 172

1849 **Quarter Sessions Act** (12 & 13 Vict. c. 45), s. 11: British Transport Commission *v.* Worcestershire County Council [1954] 1 W.L.R. 850

1850 **Court of Chancery of Lancaster Act** (13 & 14 Vict. c. 43), s. 15: Bernstein *v.* Bernstein [1960] Ch. 128; [1959] 3 W.L.R. 481

1852 **Wills Act Amendment Act** (15 & 16 Vict. c. 24)—

s. 1: *In the Estate of* Little, decd. [1960] 1 W.L.R. 495

1852 **Common Law Procedure Act** (15 & 16 Vict. c. 76), s. 212: Gill *v.* Lewis [1956] 2 Q.B. 1; [1956] 2 W.L.R. 962

Burial Act (15 & 16 Vict. c. 85), s. 26: Law (Valuation Officer) *v.* Wandsworth Borough Council. Parkin (Valuation Officer) *v.* Camberwell Borough Council [1958] 1 Q.B. 19; [1957] 1 W.L.R. 490

1853 **Betting Act** (16 & 17 Vict. c. 119), ss. 1, 3, 4: Baxter *v.* Keldon [1955] 1 W.L.R. 84

1854 **Gold and Silver Wares Act** (17 & 18 Vict. c. 96), ss. 1, 4: Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

Literary and Scientific Institutions Act (17 & 18 Vict. c. 112), ss. 29, 30: *In re* Harrow Literary Institution [1953] 1 W.L.R. 551

1855 **Wedding Rings Act** (18 & 19 Vict. c. 60), s. 1; Westwood *v.* Cann [1951] 1 K.B. 325; (1950) 66 T.L.R. (Pt. 2) 747

Charitable Trusts Amendment Act (18 & 19 Vict. c. 124), s. 29: Milner *v.* Staffordshire Congregational Union (Incorporated) [1956] Ch. 275; [1956] 1 W.L.R. 556; *In re* St. Swithin's, Norwich [1960] P. 77; [1959] 3 W.L.R. 989

Burial Act (18 & 19 Vict. c. 128), s. 15: Law (Valuation Officer) *v.* Wandsworth Borough Council. Parkin (Valuation Officer) *v.* Camberwell Borough Council [1958] 1 Q.B. 19; [1957] 1 W.L.R. 490

1856 **Foreign Tribunals Evidence Act** (19 & 20 Vict. c. 113), s. 1: Radio Corporation of America *v.* Rauland Corporation [1956] 1 Q.B. 618; [1956] 2 W.L.R. 281, 612

1857 **Summary Jurisdiction Act** (20 & 21 Vict. c. 43), s. 6: Rigby *v.* Woodward [1957] 1 W.L.R. 250

Obscene Publications Act (20 & 21 Vict. c. 83), s. 1: Cox *v.* Stirton [1951] 2 K.B. 1021; [1951] 2 T.L.R. 728, [1951] 2 All E.R. 637; Thomson *v.* Chain Libraries [1954] 1 W.L.R. 999

Matrimonial Causes Act (20 & 21 Vict. c. 85)—
- s. 22. Ramsay-Fairfax (orse. Scott-Gibson) *v.* Ramsay-Fairfax [1956] P. 115; [1955] 3 W.L.R. 849; Hill (orse. Petchey) *v.* Hill [1960] P. 130; [1959] 3 W.L.R. 828
- s. 57: Wiseman *v.* Wiseman [1953] P. 79; [1953] 2 W.L.R. 499

1858 **Medical Act** (21 & 22 Vict. c. 90), s. 40: Wilson *v.* Inyang [1951] 2 K.B. 799; [1951] 2 T.L.R. 553

1860 **Charitable Trusts Act** (23 & 24 Vict. c. 136), ss. 2, 3, 4, 5: London Parochial Charities Trustees *v.* Attorney-General [1955] 1 W.L.R. 42

1861 **Accessories and Abettors Act** (24 & 25 Vict. c. 94), ss. 1, 2: Surujpaul *v.* The Queen [1958] 1 W.L.R. 1050

Larceny Act (24 & 25 Vict. c. 96)—
- ss. 83, 84: Reg. *v.* Shacter [1960] 2 Q.B. 252; [1960] 2 W.L.R. 258

Offences against the Person Act (24 & 25 Vict. c. 100)—
- s. 9: R. *v.* Page [1954] 1 Q.B. 170; [1953] 3 W.L.R. 895
- s. 20: Cassidy *v.* Cassidy [1959] 1 W.L.R. 1024
- s. 23: R. *v.* Cunningham [1957] 2 Q.B. 396; [1957] 3 W.L.R. 76
- s. 27: Watson *v.* Nikolaisen [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187
- s. 38: R. *v.* Wilson [1955] 1 W.L.R. 493
- s. 43: Cassidy *v.* Cassidy [1959] 1 W.L.R. 1024.
- s. 52: Director of Public Prosecutions *v.* Rogers [1953] 1 W.L.R. 1017

1862 **Habeas Corpus Act** (25 & 26 Vict. c. 20), s. 1: *Ex parte* Mwenya [1960] 1 Q.B. 241; [1959] 3 W.L.R. 509, 767

Companies Act (25 & 26 Vict. c. 89), ss. 38 (7), 74: *In re* Consolidated Goldfields of New Zealand [1953] Ch. 689; [1953] 2 W.L.R. 584

1863 **Trustee Savings Banks Act** (26 & 27 Vict. c. 87), ss. 2, 6, r. 1: Industrial Disputes Tribunal, *Ex parte* East Anglian Trustee Savings Bank [1954] 1 W.L.R. 1093

Sowerby Bridge Local Board Act (26 Vict. clii), ss. 6, 19: Sowerby Bridge Urban District Council *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1

1864 **Fatal Accidents Act** (27 & 28 Vict. c. 95), s. 1: Stebbings *v.* Holst & Co. [1953] 1 W.L.R. 603; Finnegan *v.* Cementation Co. [1953] 1 Q.B. 688; [1953] 2 W.L.R. 1015; Bowler *v.* John Mowlem & Co. [1954] 1 W.L.R. 1445

1866 **Straits Settlements Act** (29 & 30 Vict. c. 115), ss. 2, 3: Terrell *v.* Secretary of State for the Colonies [1953] 2 Q.B. 482; [1953] 3 W.L.R. 331

1867 **British North America Act** (30 & 31 Vict. c. 3)—
- s. 91: Att.-Gen. for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418
- s. 91 (2) (27): Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774
- s. 92 (2): Attorney-General for Saskatchewan *v.* Canadian Pacific Railway Co. [1953] A.C. 594; [1953] 3 W.L.R. 409
- s. 92 (10) (*a*): Att.-Gen. for Ontario *v.* Israel Winner [1954] A.C. 541; [1954] 2 W.L.R. 418
- s. 92 (13): Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774
- s. 95: Canadian Federation of Agriculture *v.* Attorney-General for Quebec [1951] A.C. 179; (1950) 66 T.L.R. (Pt. 2) 774
- s. 125: Bennett & White (Calgary) Ltd. *v.* Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C.

County Courts Act (30 & 31 Vict. c. 142), s. 5: Turner *v.* Jacaranda Clubs [1953] 1 W.L.R. 961

1868 **Partition Act** (31 & 32 Vict. c. 40), ss. 3, 4: Patel *v.* Premabhai [1954] A.C. 35; [1953] 3 W.L.R. 836, P.C.

Regulation of Railways Act (31 & 32 Vict. c. 119)—

s. 22: Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1960] 3 W.L.R. 666

1869 **Colonial Prisoners Removal Act** (32 & 33 Vict. c. 10)—

ss. 4, 5; Al Baker *v.* Alford [1960] A.C. 786; [1960] 3 W.L.R. 121

Sunday and Ragged School (Exemption from Rating) Act (32 & 33 Vict. c. 40), s. 2: Rogers *v.* Lewisham Borough Council [1951] 2 K.B. 768; [1951] 2 T.L.R. 715

Endowed Schools Act (32 & 33 Vict. c. 56)—

ss. 4, 9, 45, 46, 47: Bankes *v.* Salisbury Diocesan Council of Education Incorporated [1960] Ch. 631; [1960] 2 W.L.R. 916

s. 5 (as amended by the Education (Miscellaneous Provisions) Act, 1948 (11, 12 & 13 Geo. 6, c. 40)): *In re* Ingleton Charity. Croft *v.* Attorney-General [1956] Ch. 585; [1956] 3 W.L.R. 369

Debtors Act (32 & 33 Vict. c. 62)—

s. 4: Farrant *v.* Farrant [1957] P. 188; [1957] 2 W.L.R. 134

s. 5: *In re* Judgment Summons (No. 25 of 1952). *Ex parte* Henleys [1953] Ch. 195; [1953] 2 W.L.R. 315; Sichel *v.* Sichel [1954] 1 W.L.R. 612; Cockburn *v.* Cockburn [1957] 1 W.L.R. 1020; Wiltshire *v.* Fell [1960] 1 Q.B. 181; [1959] 3 W.L.R. 984

s. 13 (1): R. *v.* Mitchell [1955] 1 W.L.R. 1125; R. *v.* Ingram [1956] 2 Q.B. 424; [1956] 3 W.L.R. 309

Metropolitan Public Carriage Act (32 & 33 Vict. c. 115), s. 7: Cogley *v.* Sherwood Car Hire Group (Skyport) *v* Same; Howe & Kavanagh Car Hire Group (Skyport) *v.* Same [1959] 2 Q.B. 311; [1959] 2 W.L.R. 781

1870 **Coinage Act** (33 & 34 Vict. c. 10), s. 6; Treseder-Griffin *v.* Co-operative Insurance Society [1955] 3 W.L.R. 996; [1956] 2 Q.B. 127; [1956] 2 W.L.R. 866

Attorneys and Solicitors Act (33 & 34 Vict. c. 28)—

s. 19: Kelly *v.* Kelly and Brown [1960] 3 W.L.R. 822

Extradition Act (33 & 34 Vict. c. 52)—

ss. 3 (1), 9: R. H. *v.* Governor of Brixton Prison, *Ex parte* Kolczynski [1955] 1 Q.B. 540; [1955] 2 W.L.R. 116

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s. 25: R. *v.* Governor of Brixton Prison, *Ex parte* Minervini [1959] 1 Q.B. 155; [1958] 3 W.L.R. 559

1871 **British North America Act** (34 & 35 Vict. c. 28), s. 2: Attorney-General for Saskatchewan *v.* Canadian Pacific Railway Co. [1953] A.C. 594; [1953] 3 W.L.R. 409

Trade Union Act (34 & 35 Vict. c. 31): Bonsor *v.* Musicians' Union [1956] A.C. 104; [1955] 3 W.L.R. 788, H.L.

s. 4: Birtley and District Co-operative Society Ltd. *v.* Windy Nook and District Industrial Co-operative Society Ltd. (No. 2) [1960] 1 Q.B. 1; [1959] 2 W.L.R. 415

Dogs Act (34 & 35 Vict. c. 56)—

s. 2: Reg. *v.* Nottingham Justices. *Ex parte* Brown [1960] 1 W.L.R. 1315

Prevention of Crimes Act (34 & 35 Vict. c. 112)—

s. 12: Willey *v.* Peace [1951] 1 K.B. 94; (1950) 66 T.L.R. (Pt. 2) 450

s. 15: R. *v.* Harris [1951] 1 K.B. 107; (1950) 66 T.L.R. (Pt. 2) 739

1872 **Review of Justices' Decisions Act** (35 & 36 Vict. c. 26), s. 3: R. *v.* Llanidloes Licensing Justices, *Ex parte* Davies [1957] 1 W.L.R. 809

Bastardy Laws Amendment Act (35 & 36 Vict. c. 65)—

s. 3: Taylor *v.* Parry [1951] 2 K.B. 442; [1951] 1 T.L.R. 509; O'Dea *v.* Tetau [1951] 1 K.B. 184; (1950) 66 T.L.R. (Pt. 2) 339; National Assistance Board *v.* Mitchell [1956] 1 Q.B. 53; [1955] 3 W.L.R. 591; National Assistance Board *v.* Tugby [1957] 1 Q.B. 506; [1957] 2 W.L.R. 316; Kruhlak *v.* Kruhlak [1958] 2 Q.B. 32; [1958] 2 W.L.R. 131

s. 4: O'Dea *v.* Tetau [1951] 1 K.B. 184; (1950) 66 T.L.R. (Pt. 2) 339; R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409

Metalliferous Mines Regulation Act (35 & 36 Vict. c. 77), s. 23: Marshall *v.* Gotham & Co. [1954] A.C. 360; [1954] 2 W.L.R. 812

Licensing Act (35 & 36 Vict. c. 94), s. 12: Corkery *v.* Carpenter [1951] 1 K.B. 102; (1950) 66 T.L.R. (Pt. 2) 333

1873 **Supreme Court of Judicature Act** (36 & 37 Vict. c. 66), ss. 2, 46: *In re* Hastings (No. 3) [1959] Ch. 368; [1959] 2 W.L.R. 454

1875 **Public Health Act** (38 & 39 Vict. c. 55)—

ss. 13, 15: Poole Corporation *v.* Blake [1956] 1 Q.B. 206; [1955] 3 W.L.R. 757

ss. 56, 64: South Devon Water Board *v.* Gibson [1955] 2 Q.B. 448; [1955] 3 W.L.R. 255

s. 149: Ching Garage *v.* Chingford Corporation [1959] 1 W.L.R. 959

s. 177: Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

s. 265: Bullard *v.* Croydon Hospital Group Management Committee [1953] 1 Q.B. 511; [1953] 2 W.L.R. 470

s. 268: R. *v.* Minister of Housing and Local Government, *Ex parte* Finchley Borough Council [1955] 1 W.L.R. 29

Employers and Workmen Act (38 & 39 Vict. c. 90), s. 10: Herbert *v.* Harold Shaw [1959] 2 Q.B. 138; [1959] 2 W.L.R. 631

1876 **Customs Consolidation Act** (39 & 40 Vict. c. 36): R. *v.* Morris [1951] 1 K.B. 394; (1950) 66 T.L.R. (Pt. 2) 1050
- s. 186: R. *v.* Cohen [1951] 1 K.B. 505; [1951] 1 T.L.R. 251
- s. 257: Commissioners of Customs & Excise *v.* Trustee of the Property of Leon Sokolow [1954] 2 Q.B. 336; [1954] 2 W.L.R. 575
- s. 259: R. *v.* Cohen [1951] 1 K.B. 505; [1951] 1 T.L.R. 251

Appellate Jurisdiction Act (39 & 40 Vict. c. 59)—
- s. 3: Whitehouse *v.* Board of Control [1960] 1 W.L.R. 1093

1878 **Threshing Machine Act** (41 & 42 Vict. c. 12), s. 1: Jones *v.* Richards [1955] 1 W.L.R. 444

Epping Forest Act (41 & 42 Vict. c. ccxiii), ss. 39 (1), 42 (2): Inland Revenue Commissioners *v.* City of London (as Epping Forest Conservators) [1953] 1 W.L.R. 652

1879 **Summary Jurisdiction Act** (42 & 43 Vict. c. 49)—
- s. 5: R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409
- s. 6: *In re* A Debtor (No. 48 of 1952), *Ex parte* Ampthill Rural District Council *v.* The Debtor [1953] Ch. 335; [1953] 2 W.L.R. 444
- s. 17: R. *v.* Simons and Simons [1953] 1 W.L.R. 1014; Card *v.* Salmon [1953] 1 Q.B. 392; [1953] 2 W.L.R. 301; R. *v.* Phillips [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868
- s. 21 (1): R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409
- s. 35: *In re* A Debtor (No. 48 of 1952), *Ex parte* Ampthill Rural District Council *v.* The Debtor [1953] Ch. 335; [1953] 2 W.L.R. 444
- s. 54: R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409

1880 **Ground Game Act** (43 & 44 Vict. c. 47), s. 1 (1) (*b*): Mason *v.* Clarke [1954] 1 Q.B. 460; [1954] 2 W.L.R. 48

Hinckley Local Board Gas Act (43 & 44 Vict. c. clvii), ss. 43, 44: Hinckley Urban District Council *v.* West Midlands Gas Board [1951] Ch. 577; [1951] 1 T.L.R. 771

1881 **Customs and Inland Revenue Act** (44 & 45 Vict. c. 12)—
- s. 38: Letts *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 201
- s. 38 (2): *In re* Hodge's Policy [1957] Ch. 339; [1957] 2 W.L.R. 787; [1958] Ch. 239; [1957] 3 W.L.R. 958
- ss. 38 (2) (*a*), 39: Sneddon *v.* Lord Advocate [1954] A.C. 257; [1954] 2 W.L.R. 211

Army Act (44 & 45 Vict. c. 58) (as amended and re-enacted)—
- s. 7: R. *v.* Grant [1957] 1 W.L.R. 906
- s. 17: R. *v.* Nicholson [1957] 1 W.L.R. 146
- s. 18: R. *v.* Bryant [1955] 1 W.L.R. 715
- s. 41: R. *v.* Page [1954] 1 Q.B. 170; [1953] 3 W.L.R. 895; R. *v.* Bryant [1955] 1 W.L.R. 715
- s. 41 (5): R. *v.* Jennings [1956] 1 W.L.R. 1497
- s. 45 (1) (5), 46 (1): R. *v.* Harris-Rivett [1956] 1 Q.B. 220; [1955] 3 W.L.R. 823
- s. 53: R. *v.* Durkin [1953] 2 Q.B. 364; [1953] 3 W.L.R. 479
- s. 90 (1), (3), (4): R. *v.* Hadfield [1954] 3 W.L.R. 1128
- s. 143: Nyali *v.* Attorney-General [1956] 1 Q.B. 1; [1955] 2 W.L.R. 649
- s. 145: R. *v.* Birkenhead Borough Justices, *Ex parte* Smith [1954] 1 W.L.R. 471
- s. 190: R. *v.* Nicholson [1957] 1 W.L.R. 146

Fugitive Offenders Act (44 & 45 Vict. c. 69)—
- s. 7: *In re* Shuter [1960] 2 Q.B. 89; [1959] 3 W.L.R. 652
- s. 9: R. *v.* Governor of Brixton Prison, *Ex parte* Shuter [1960] 1 Q.B. 142; [1959] 3 W.L.R. 603
- s. 10: R. *v.* Governor of Brixton Prison, *Ex parte* De Demko [1959] 1 Q.B. 268; [1958] 3 W.L.R. 624; De Demko *v.* Home Secretary [1959] A.C. 645; [1959] 2 W.L.R. 231
- s. 29: R. *v.* Governor of Brixton Prison, *Ex parte* Shuter [1960] 1 Q.B. 142; [1959] 3 W.L.R. 603
- s. 39: R. *v.* Governor of Brixton Prison, *Ex parte* De Demko [1959] 1 Q.B. 268; [1958] 3 W.L.R. 624; De Demko *v.* Home Secretary [1959] A.C. 645; [1959] 2 W.L.R. 231

1882 **Bills of Exchange Act** (45 & 46 Vict c. 61)—
- ss. 29 (1) (*b*), 30 (2), 82: Baker *v.* Barclays Bank [1955] 3 W.L.R. 822
- s. 82: Bute (Marquess) *v.* Barclays Bank [1955] 1 Q.B. 202; [1954] 3 W.L.R. 741

Married Women's Property Act (45 & 46 Vict. c. 75)—
- s. 11: Lort-Williams *v.* Lort-Williams [1951] P. 395; [1951] 2 T.L.R. 200
- s. 12: Broom *v.* Morgan [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737: R. *v.* Moore [1954] 1 W.L.R. 893; Gorulnick *v.* Gorulnick [1958] P. 47; [1958] 2 W.L.R. 58
- s. 17: Cristel *v.* Cristel [1951] 2 K.B. 725; Tunstall *v.* Tunstall [1953] 1 W.L.R. 770; Barclays Bank *v.* Bird [1954] Ch. 274; [1954] 2 W.L.R. 320; J. N. Nabarro & Sons v. Kennedy [1955] 1 Q.B. 575; [1954] 1 W.L.R. 296; *In re* Bettinson's Question [1956] Ch. 67; [1955] 3 W.L.R. 510; Cobb *v.* Cobb [1955] 1 W.L.R. 731; Fribrance *v.* Fribance [1956] P. 99; [1955] 3 W.L.R. 890; *In re* Camkin's Questions [1957] 1 W.L.R. 255; Fribrance *v.* Fribrance (No. 2) [1957] 1 W.L.R. 384; *In re* Knight's Question [1959] Ch. 381; [1958] 2 W.L.R. 685; Richards *v.* Richards [1958] 1 W.L.R. 1116; Silver *v.* Silver [1958] 1 W.L.R. 259; Samson *v.* Samson [1960] 1 W.L.R. 190; Short *v.* Short [1960] 1 W.L.R. 833

1883 **Explosive Substances Act** (46 & 47 Vict. c. 3), s. 4 (1): R. *v.* Hallam [1957] 1 Q.B. 569; [1957] 2 W.L.R. 521; R. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99

City of London Parochial Charities Act (46 & 47 Vict. c. 36), s. 34: London Parochial Charities Trustees *v.* Attorney-General [1955] 1 W.L.R. 42

Trial of Lunatics Act (46 & 47 Vict. c. 38), s. 2 (1): R. *v.* Kemp [1956] 1 W.L.R. 724

Bankruptcy Act (46 & 47 Vict. c. 52), s. 32 (2) (b): *In re* Joyce, *Ex parte* Joyce [1955] 1 W.L.R. 800

Patents, Designs and Trade Marks Act (46 & 47 Vict. c. 57): Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

1884 **Disused Burial Grounds Act** (47 & 48 Vict. c. 72), s. 3: *In re* St. Mark's Church, Lincoln [1956] P. 166; [1955] 3 W.L.R. 844; [1956] P. 336; [1956] 3 W.L.R. 147

1885 **Customs and Inland Revenue Act** (48 & 49 Vict. c. 51), s. 11: *In re* Bland-Sutton, decd. National Provincial Bank Ltd. *v.* The Middlesex Hospital [1951] Ch. 70; (1950) 66 T.L.R. (Pt. 2) 519

Criminal Law Amendment Act (48 & 49 Vict. c. 69)—

s. 3: R. *v.* Carver [1955] 1 W.L.R. 181

s. 5 (1): R. *v.* Rider [1954] 1 W.L.R. 463

s. 13 (3): Strath *v.* Foxon [1956] 1 Q.B. 67; [1955] 3 W.L.R. 659

Prevention of Crimes Amendment Act (48 & 49 Vict. c. 75), s. 2: Hinchcliffe *v.* Sheldon [1955] 1 W.L.R. 1207

1886 **Guardianship of Infants Act** (49 & 50 Vict. c. 27): *In re* Whittle (An Infant) [1953] 1 W.L.R. 1405; Practice Direction [1955] 1 W.L.R. 335; *In re* T. (An Infant) [1957] 1 Ch. 48; [1956] 3 W.L.R. 826

s. 5: *In re* Dulles Settlement, Dulles *v.* Vidler [1951] Ch. 265; (1950) 66 T.L.R. (Pt. 2) 1028; [1950] 2 All E.R. 1013; R. *v.* Sandbach Justices, *Ex parte* Smith [1951] 1 K.B. 62; (1950) 66 T.L.R. (Pt. 2) 261; *In re* Dankbars [1954] Ch. 98; [1953] 3 W.L.R. 957

s. 9: R. *v.* Sandbach Justices, *Ex parte* Smith [1951] 1 K.B. 62; (1950) 66 T.L.R. (Pt. 2) 261

Regulation and Inclosure Provisional Orders Confirmation Act (Totternhoe) (49 Vict. c. xvi): Harlow *v.* Ministry of Transport and Rugby Portland Cement Co. Ltd [1951] 2 K.B. 98; (1950) 66 T.L.R. (Pt. 2) 1037

1887 **Merchandise Marks Act** (50 & 51 Vict. c. 28)—

s. 2: *In re* Vitamins' Application [1956] 1 W.L.R. 1; Bollinger (J.) *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

s. 2 (1) (2): Kat *v.* Diment [1951] 1 K.B. 34; 66 T.L.R. (Pt. 2) 474

s. 2 (2): Slatcher *v.* George Mence Smith [1951] 2 K.B. 631; [1951] 2 T.L.R. 272;

s. 2 (2) (as amended): Reg. *v.* Epsom Justices. *Ex parte* Dawnier Motors Ltd. [1961] 1 Q.B. 201; [1960] 3 W.L.R. 872

s. 3: *In re* Vitamins' Application [1956] 1 W.L.R. 1; J. Bollinger *v.* Costa Brava Wine Co. [1959] 3 W.L.R. 966

s. 19: J. Bollinger *v.* Costa Brava Wine Co. [1960] Ch. 262; [1959] 3 W.L.R. 966

1888 **Electricity Act** (51 & 52 Vict. c. 12), s. 32: Central Electricity Generating Board *v.* Jennaway [1959] 1 W.L.R. 937

Railway and Canal Traffic Act (51 & 52 Vict. c. 25), s. 17: British Transport Commission *v.* London County Council [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665

Local Government Act (51 & 52 Vict. c. 41), s. 30: Wiltshire County Council *v.* Wiltshire Quarter Sessions Standing Joint Committee [1951] 2 K.B. 516; [1951] 1 T.L.R. 941

Mortmain and Charitable Uses Act (51 & 52 Vict. c. 42)—

s. 1 (1): Attorney-General *v.* Parsons [1955] Ch. 664; [1955] 3 W.L.R. 29; [1956] A.C. 421; [1956] 2 W.L.R. 153.

ss. 1 (1), 2, 10: Morelle *v.* Waterworth; Rodnall *v.* Ludbrook [1955] 1 Q.B. 1; [1954] 3 W.L.R. 257; Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 672

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1889 **Customs and Inland Revenue Act** (52 & 53 Vict. c. 7)—

s. 11: *In re* Oakes' Settlement. Public Trustee *v.* Inland Revenue Commissioners [1951] Ch. 156; (1950) 66 T.L.R. (Pt. 2) 831; Letts *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 201

s. 11 (1): *In re* D'Avigdor-Goldsmid, D'Avigdor-Goldsmid *v.* Inland Revenue Commissioners [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] Ch. 1038; [1951] 2 T.L.R. 381; [1953] A.C. 347; [1953] 2 W.L.R. 372; *In re Hodge's Policy* [1957] Ch. 339; [1957] 2 W.L.R. 787; [1958] Ch. 239; [1957] 3 W.L.R. 958

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s. 1: Woodward *v.* Earl of Dudley [1954] Ch. 283; [1954] 1 W.L.R. 476; R. *v.* Industrial Disputes Tribunal [1957] 2 Q.B. 483; [1957] 3 W.L.R. 283; R. *v.* County of London Quarter Sessions Appeals Committee, *Ex parte* Rossi [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800

s. 13 (4): R. *v.* Campbell [1959] 1 W.L.R. 646

1889 **Interpretation Act**—*continued.*

s. 26: R. *v.* County of London Quarter Sessions Appeals Committee, *Ex parte* Rossi [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800; Layton *v.* Shires [1960] 2 Q.B. 294; [1959] 3 W.L.R. 949

s. 37: R. *v.* Minister of Town and Country Planning, *Ex parte* Montague Burton Ltd. [1951] 1 K.B. 1; (1950) 66 T.L.R. (Pt. 2) 85

s. 38 (2): Boddington *v.* Wisson [1951] 1 K.B. 606

Public Bodies Corrupt Practices Act (52 & 53 Vict. c. 69)—

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1890 **Lunacy Act** (53 & 54 Vict. c. 5)—

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s. 20: Lock *v.* Lock [1958] 1 W.L.R. 1248

s. 38: Warren *v.* Warren [1953] 1 W.L.R. 1268

s. 330 (2): Whitehouse *v.* Board of Control [1960] 1 W.L.R. 1093

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Public Health Acts Amendment Act (53 & 54 Vict. c. 59), s. 35 (1): Penney *v.* Berry [1955] 1 W.L.R. 1021; Macfarlane *v.* Gwalter [1959] 2 Q.B. 332; [1958] 2 W.L.R. 268

1891 **Stamp Act** (54 & 55 Vict. c. 39)—

s. 13 (1) (4): Western United Investment Co. *v.* Inland Revenue Commissioners [1958] Ch. 392; [1958] 2 W.L.R. 192

s. 14: Routledge *v.* McKay [1954] 1 W.L.R. 615

s. 54: Escoigne Properties *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 980; [1957] 1 W.L.R. 174; [1958] A.C. 549; [1958] 2 W.L.R. 336; Oughtred *v.* I. R. C. [1958] Ch. 383; [1958] 2 W.L.R. 174; [1958] Ch. 678; [1958] 3 W.L.R. 64; [1959] 3 W.L.R. 898

s. 56 (2) (4): Western United Investment Co. *v.* I. R. C. [1958] Ch. 392; [1958] 2 W.L.R. 192.

s. 58 (4): Escoigne Properties *v.* I. R. C. [1956] 1 W.L.R. 980; [1957] 1 W.L.R. 174; [1958] A.C. 549; [1958] 2 W.L.R. 336

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Sch. 1: Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84; [1953] 3 W.L.R. 135; Escoigne Properties *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 980; [1958] A.C. 549; [1958] 2 W.L.R. 336; Henry Ansbacher & Co. *v.* Inland Revenue Commissioners [1960] 1 W.L.R. 337; Independent Television Authority & Associated-Rediffusion Ltd. *v.* Inland Revenue Commissioners [1960] 3 W.L.R. 48

Lunacy Act (54 & 55 Vict. c. 65), s. 7: Warren *v.* Warren [1953] 1 W.L.R. 1268

Penal Servitude Act (54 & 55 Vict. c. 69), s. 1 (2): R. *v.* Morris [1951] 1 K.B. 394; (1950) 66 T.L.R. (Pt. 2) 1050

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Public Health (London) Act (54 & 55 Vict. c. 76), s. 39 (1): Townsend (Builders) *v.* Cinema News and Property Management [1959] 1 W.L.R. 119

1892 **Gaming Act** (55 & 56 Vict. c. 9), s. 1: MacDonald *v.* Green [1951] 1 K.B. 594; [1951] 1 T.L.R. 111

Foreign Marriages Act (55 & 56 Vict. c. 23), ss. 1, and 22 as amended: Holdowanska (orse. Bialoszewska) and Price [1956] 3 W.L.R. 935; Taczanowska (orse. Roth) *v.* Taczanowski [1957] P. 301; [1957] 3 W.L.R. 141

Private Street Works Act (55 & 56 Vict. c. 57): Davidson *v.* Deeks (Inspector of Taxes) [1956] 1 W.L.R. 1388

ss. 5, 6: Huyton-with-Roby Urban District Council *v.* Hunter [1955] 1 W.L.R. 603

ss. 5, 6, 8: Ware Urban District Council *v.* Gaunt [1960] 1 W.L.R. 1364

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s. 7: Huyton-with-Roby Urban District Council *v.* Hunter [1955] 1 W.L.R. 603; Robinson *v.* Richmond (Surrey) Borough Council [1955] 1 Q.B. 401; [1955] 1 W.L.R. 333; R. & T. Glynn Evans *v.* Liverpool Corporation [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749

s. 7 (*d*): Southgate Borough Council *v.* Park Estates (Southgate) [1953] 1 W.L.R. 1274; [1954] 1 Q.B. 359; [1954] 2 W.L.R. 337

1892 **Private Street Works Act**—*continued.*

s. 8: Huyton-with-Roby Urban District Council *v.* Hunter [1955] 1 W.L.R. 603; R. & T. Glynn Evans *v.* Liverpool Corporation [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749

s. 11: R. & T. Glynn Evans *v.* Liverpool Corporation [1959] 2 Q.B. 249; [1959] 2 W.L.R. 749

1892 and 1927 **Colonial Probates Acts** (55 & 56 Vict. c. 6 and 17 & 19 Geo. 5, c. 43): Practice Direction (Colonial Probate) [1954] 1 W.L.R. 1053

1893 **Sale of Goods Act** (56 & 57 Vict. c. 71)—

s. 4: Craxfords (Ramsgate) *v.* Williams and Steer Manufacturing Co. [1954] 1 W.L.R. 1130

s. 4 (1): Marcel (Furriers) *v.* Tapper [1953] 1 W.L.R. 49

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ss. 14 (1) (2), 15 (2) (*c*): Godley *v.* Perry [1960] 1 W.L.R. 9

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s. 35: Kwei Chao *v.* British Traders and Shippers [1954] 2 Q.B. 459; [1954] 2 W.L.R. 365

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s. 50 (2) (3): Charter *v.* Sullivan [1957] 2 Q.B. 117; [1957] 2 W.L.R. 528

s. 50 (3): W. L. Thompson *v.* Robinson (Gunmakers) [1955] Ch. 177; [1955] 2 W.L.R. 185

s. 53: Cullinane *v.* British "Rema" Manufacturing Co. [1954] 1 Q.B. 292; [1953] 3 W.L.R. 923

1894 **Finance Act** (57 & 58 Vict. c. 30)—

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ss. 1, 2 (1) (*b*) (*d*), 3 (1) (2): Child's Trustee Co. *v.* Inland Revenue Comrs. [1960] Ch. 534; [1960] 2 W.L.R. 903

ss. 1, 9: *In re* Boulton [1960] 1 W.L.R. 140

s. 2 (1) (*b*): *In re* Brassey's Deed of Appointment, Coutts & Co. *v.* Inland Revenue Commissioners [1951] Ch. 351; [1951] 1 T.L.R. 169; [1951] Ch. 979; [1951] 2 T.L.R. 461; Coutts & Co *v.* Inland Revenue Commissioners [1953] A.C. 267; [1953] 2 W.L.R. 364; *In re* Weigall's Will Trusts [1956] Ch. 424; [1956] 3 W.L.R. 12; Midland Bank Executor & Trustee Co. *v.* Inland Revenue Commissioners [1959] Ch. 277; [1959] 2 W.L.R. 77; *In re* Tapp. Gonville and Caius College, Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 2 W.L.R. 541

s. 2 (1) (*c*): *In re* Oakes' Settlement. Public Trustee v. Inland Revenue Commissioners [1951] Ch. 156; (1950) 66 T.L.R. (Pt. 2) 831; *In re* D'Avigdor-Goldsmid, D'Avigdor-Goldsmid *v.* Inland Revenue Commissioners [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] Ch. 1038; [1951] 2 T.L.R. 381; Sneddon *v.* Lord Advocate [1954] A.C. 257; [1954] 2 W.L.R. 211; *In re* Hodge's Policy [1958] Ch. 239; [1957] 2 W.L.R. 787; [1957] 3 W.L.R. 958; Letts *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 201

s. 2 (1) (*d*): *In re* D'Avigdor-Goldsmid. D'Avigdor-Goldsmid *v.* Inland Revenue Commissioners [1951] Ch. 321; [1951] 1 T.L.R. 179; [1951] Ch. 1038; [1951] 2 T.L.R. 381; *In re* Austin Motor Co. Ltd.'s Policies; *In re* Payton, decd. Payton *v.* Inland Revenue Commissioners [1951] Ch. 1081; [1951] 2 T.L.R. 235; *In re* Barbour's Policies of Assurance, Westminster Bank *v.* Inland Revenue Commissioners [1955] 3 W.L.R. 457; [1956] Ch. 452; [1956] 2 W.L.R. 735; *In re* Parkes Settlement. Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 398; Westminster Bank *v.* Inland Revenue Commissioners. Wrightson and Another *v.* Inland Revenue Commissioners [1957] 3 W.L.R. 427; Parker *v.* Lord Advocate [1960] A.C. 608; [1960] 2 W.L.R. 262

s. 2 (1) (*a*) (*d*): D'Avigdor-Goldsmid *v.* Inland Revenue Commissioners [1953] A.C. 347; [1953] 2 W.L.R. 372

ss. 3, 7 (1): *In re* Leven and Melville (Earl), decd. [1954] 1 W.L.R. 1228

1894 **Finance Act**—*continued.*

s. 7 (1) (5): Westminster Bank *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 242

s. 7 (5): *In re* Holt, decd., Holt *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 1488; Sanderson *v.* Inland Revenue Commissioners [1956] A.C. 491; [1956] 2 W.L.R. 98; Barclays Bank *v.* Inland Revenue Commissioners [1959] Ch. 341; *In re* Sutherland, decd. [1960] Ch. 134; [1960] 3 W.L.R. 491

s. 7 (6): Fry *v.* I. R. C. [1958] 2 W.L.R. 673; [1959] Ch. 86; [1958] 2 W.L.R. 381

s. 7 (7): Coutts & Co. *v.* Inland Revenue Commissioners [1953] A.C. 267; [1953] 2 W.L.R. 364; *In re* Tapp. Gonville and Caius College, Cambridge *v.* Inland Revenue Commissioners [1959] Ch. 443; [1959] 2 W.L.R. 541

ss. 8, 9: *In re* Lander, decd., Lander *v.* Lander [1951] Ch. 546; [1951] 1 T.L.R. 456

ss. 8 (4), 9 (1), 14 (1): *In re* McNeill, decd., Royal Bank of Scotland *v.* MacPherson [1958] Ch. 259; [1957] 3 W.L.R. 1007

s. 14 (1): *In re* Lonsdale Wills Trusts. Lowther *v.* Lowther [1960] Ch. 288; [1959] 3 W.L.R. 879

s. 22 (1) (*f*): Iveagh *v.* Inland Revenue Commissioners [1954] Ch. 364; [1954] 2 W.L.R. 494

s. 22 (1) (*j*): Fry *v.* I. R. C. [1958] 2 W.L.R. 673

Merchant Shipping Act (57 & 58 Vict. c. 60)—

ss. 267, 271: Duncan *v.* Graham [1951] 1 K.B. 68; (1950) 66 T.L.R. (Pt. 2) 460

s. 419 (1): Thomas Stone Shipping *v.* Admiralty, The Albion [1953] P. 117; [1953] 2 W.L.R. 807

ss. 466, 470: The Corchester [1957] P. 84; [1956] 3 W.L.R. 1090

s. 503: Stonedale No. 1 (Owners) *v.* Manchester Ship Canal Co., The Stonedale No. 1 [1954] P. 338; [1954] 2 W.L.R. 1075; The Empire Jamaica [1955] P. 52; [1955] 2 W.L.R. 435; [1955] 3 W.L.R. 385; [1957] A.C. 386;; [1956] 3 W.L.R. 598; The Stonedale No. 1 [1956] A.C. 1; [1955] 3 W.L.R. 203; The Kirkness [1957] P. 51: [1957] 2 W.L.R. 20

s. 742: Smith *v.* Veen [1955] 2 Q.B. 277; [1955] 2 W.L.R. 1166

1895 **Summary Jurisdiction (Married Women) Act** (58 & 59 Vict. c. 39)—

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s. 5 (*a*): Guiness *v.* Guiness [1956] 1 W.L.R. 258, 544

s. 5 (*c*): Fildes (Formerly Simkin) *v.* Simkin [1960] P. 70; [1960] 2 W.L.R. 1

s. 6: Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 1, 849

s. 7: Dryden *v.* Dryden [1953] 1 W.L.R. 952; Roberts *v.* Roberts [1954] P. 472; [1953] 3 W.L.R. 863; Brammer *v.* Brammer [1954] 1 W.L.R. 599; Guiness *v.* Guiness [1956] 1 W.L.R. 258, 544; Marczuk *v.* Marczuk [1956] P. 217; [1956] 2 W.L.R. 1, 849; Smyth *v.* Smyth [1956] P. 427; [1956] 3 W.L.R. 210; Wood *v.* Wood [1956] 3 W.L.R. 887; [1957] P. 254; [1957] 2 W.L.R. 826; Newman *v.* Newman [1958] 1 W.L.R. 35; Pepper *v.* Pepper [1960] 1 W.L.R. 131

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1896 **Friendly Societies Act** (59 & 60 Vict. c. 25): *In re* Pilkington Bros. Workmen's Pension Fund [1953] 1 W.L.R. 1084

s. 94 (1): Longdon-Griffiths *v.* Smith [1951] 1 K.B. 295; (1950) 66 T.L.R. (Pt. 2) 627

1897 **Manchester Ship Canal Act** (60 & 61 Vict. c. cviii), s. 9: The Stonedale No. 1 [1956] A.C. 1; [1955] 3 W.L.R. 204

1898 **Criminal Evidence Act** (61 & 62 Vict. c. 36)—

s. 1 (*f*) (i): R. *v.* Cokar [1960] 2 Q.B. 207; [1960] 2 W.L.R. 836

(ii): R. *v.* Cook [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616

(iii): R. *v.* Clark [1955] 2 Q.B. 469; [1955] 3 W.L.R. 313

s. 4 (1): R. *v.* Moore [1954] 1 W.L.R. 893

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s. 1 (1): R. *v.* Silver [1956] 1 W.L.R. 281; R. *v.* Thomas [1957] 1 W.L.R. 747

s. 1 (1) (3): Calvert *v.* Mayes [1954] 1 Q.B. 342; [1954] 2 W.L.R. 18

1899 **Finance Act** (62 & 63 Vict. c. 9), s. 8 (5): Studholme *v.* South Western Gas Board [1954] 1 W.L.R. 313

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1900 **Commonwealth of Australia Constitution Act** (63 & 64 Vict. c. 12)—

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ss. 51 (xxxi), 74: Nelungaloo Pty. Ltd. *v.* Commonwealth of Australia [1951] A.C. 34, P.C.; Grace Bros. Pty. Ltd. *v.* Commonwealth of Australia [1951] A.C. 53, P.C.

s. 74: O'Sullivan *v.* Noarlunga [1957] A.C. 1; [1956] 3 W.L.R. 436

s. 92: Hughes and Vale Pty. *v.* State of N.S.W. Australian Commonwealth Interveners [1955] A.C. 241; [1954] 3 W.L.R. 824; Motor Transport Commissioner *v.* Antill Ranger & Co. [1956] A.C. 527; [1956] 3 W.L.R. 499

s. 109: O'Sullivan *v.* Noarlunga [1957] A.C. 1; [1956] 3 W.L.R. 436; Charles Marshall Pty. *v.* Collins [1957] A.C. 274; [1957] 2 W.L.R. 600

Railway Employment (Prevention of Accidents) Act (63 & 64 Vict. c. 27)—

s. 1: Cade *v.* British Transport Commission [1959] A.C. 256; [1957] 1 W.L.R. 947; [1958] 3 W.L.R. 118

s. 1 (1), Sch. 1, para. 12: Judson *v.* British Transport Commission [1954] 1 W.L.R. 585

Merchant Shipping (Liability of Shipowners and Others) Act (63 & 64 Vict. c. 32)—

s. 1: Steamship Enterprises of Panama Inc., Liverpool (Owners) *v.* Ousel (Owners) and Others. The Liverpool [1959] 1 W.L.R. 297

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Moneylenders Act (63 & 64 Vict. c. 51)—

s. 6 (*d*): Official Assignee of Khoon *v.* Ek Liong Hin Ltd. [1960] A.C. 178; [1960] 2 W.L.R. 250

1901 **Factory and Workshop Act** (1 Edw. 7, c. 22)—

s. 79: Bryers *v.* Canadian Pacific Steamships [1957] 1 Q.B. 134; [1956] 3 W.L.R. 776; Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 993

s. 149: Fatstock Marketing Corporation *v.* Morgan (Valuation Officer) [1958] 1 W.L.R. 357; Wilson Brothers *v.* Edwards (Valuation Officer) [1958] 1 W.L.R. 955; Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1960] A.C. 926; [1959] 3 W.L.R. 317

s. 149 (1): Cockram *v.* Tropical Preservation Co. Ltd. [1951] 2 K.B. 827; [1951] 2 T.L.R. 814

s. 149 (1) (*a*) (i), Sch. VI: Harry Ferguson Research Ltd. *v.* Dawkins [1960] 1 W.L.R. 639

s. 149 (1) (*c*): Automobile Proprietary *v.* Brown (Valuation Officer) [1955] 1 W.L.R. 573

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1902 **Cremation Act** (2 Edw. 7, c. 8), s. 4: Law (Valuation Officer) *v.* Wandsworth Borough Council. Parkin (Valuation Officer) *v.* Camberwell Borough Council [1958] 1 Q.B. 19; [1957] 3 W.L.R. 490

1903 **Birmingham Corporation Act** (3 Edw. 7. c. cxcii), s. 31: Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990

1905 **Railway Fires Act** (5 Edw. 7, c. 11), s. 1 (1): J. Langlands (Swanley) *v.* British Transport Commission [1956] 1 W.L.R. 890

Trade Marks Act (5 Edw. 7, c. 15), s. 9 (5): Staines (Edgar) *v.* Victor La Rosa [1953] 1 W.L.R. 474, P.C.

London Building Acts (Amendment) Act (5 Edw. 7, c. ccix), s. 12: Solomons *v.* R. Gertzenstein [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317; [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823

1906 **Prevention of Corruption Act** (6 Edw. 7, c. 34), s. 1 (1): R. *v.* Carr [1957] 1 W.L.R. 165

Marine Insurance Act (6 Edw. 7, c. 41), s. 55 (2) (*c*): F. W. Berk & Co. Ltd. *v.* Style [1956] 1 Q.B. 180; [1955] 3 W.L.R. 935

Trade Disputes Act (6 Edw. 7, c. 47)—

s. 3: Huntley *v.* Thornton [1957] 1 W.L.R. 321

s. 5: Beetham *v.* Trinidad Cement Ltd. [1960] A.C. 132; [1960] 2 W.L.R. 77

Public Trustee Act (6 Edw. 7, c. 55), s. 4: Inland Revenue Commissioners *v.* Silverts Ltd. [1951] Ch. 521; [1951] 1 T.L.R. 593

1907 **Evidence (Colonial Statutes) Act** (7 Edw. 7, c. 16): s. 1: R. *v.* Governor of Brixton Prison, *Ex parte* Shuter [1960] 1 Q.B. 142; [1959] 3 W.L.R. 603

Criminal Appeal Act (7 Edw. 7, c. 23)—

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ss. 2, 14 (2), 21: R. *v.* Welham [1960] 2 Q.B. 445; [1960] 2 W.L.R. 333

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s. 3 (*c*): Practice Note (Non-Capital Murder) [1957] 1 W.L.R. 750

s. 4 (1), proviso: R. *v.* Thomas [1957] 1 W.L.R. 1091; R. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99

s. 4 (3): R. *v.* Green [1959] 2 Q.B. 127; [1958] 2 W.L.R. 569; Hancock *v.* Prison Commissioners [1960] 1 Q.B. 117; [1959] 3 W.L.R. 583

s. 5 (1): R. *v.* Lovelock [1956] 1 W.L.R. 1217

1907 **Criminal Appeal Act**—*continued.*

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s. 19 (*a*): R. *v.* Caborn-Waterfield [1956] 2 Q.B. 379; [1956] 3 W.L.R. 277; R. *v.* Sparkes [1956] 1 W.L.R. 505; R. *v.* Podola [1960] 1 Q.B. 325; [1959] 3 W.L.R. 718

s. 21: R. *v.* Harman [1959] 2 Q.B. 134; [1959] 2 W.L.R. 906

Patents and Designs Act (7 Edw. 7, c. 29)—

s. 38 (1): Tool Metal Manufacturing Co. *v.* Tungsten Electric Co. [1955] 1 W.L.R. 761

s. 91: *In re* Vitamins' Application [1956] 1 W.L.R. 1

1907–1946 **Patents and Designs Acts,** ss. 22, 32A: Raleigh Cycle Co. Ltd. *v.* H. Miller & Co. Ltd. [1951] A.C. 278, H.L.

1908 **Fatal Accidents (Damages) Act** (8 Edw. 7, c. 7)—

s. 1: Bowskill *v.* Dawson, National Provincial Bank *v.* Dawson [1955] 1 Q.B. 13; [1954] 3 W.L.R. 275; Baker *v.* T. E. Hopkins & Sons [1958] 1 W.L.R. 993; Green *v.* Russell [1958] 3 W.L.R. 371; Green *v.* Russell. McCarthy (Third Party) [1959] 2 Q.B. 226; [1959] 3 W.L.R. 17

s. 7: O'Neill *v.* S. J. Smith & Co. (Bidford) [1957] 1 W.L.R. 1204

Post Office Act (8 Edw. 7, c. 48)—

ss. 12, 13: Triefus & Co. *v.* Post Office [1957] 2 Q.B. 352; [1957] 3 W.L.R. 1

s. 65 (1): Winkle *v.* Wiltshire [1951] 1 K.B. 684; [1951] 1 T.L.R. 368

1909 **Development and Road Improvement Funds Act** (9 Edw. 7, c. 47), s. 10: Baxter *v.* Stockton-on-Tees Corporation [1959] 1 Q.B. 441; [1958] 3 W.L.R. 275

1910 **Finance (1909–1910) Act** (10 Edw. 7 & 1 Geo. 5, c. 8), s. 74: Baddeley *v.* Inland Revenue Commissioners [1953] Ch. 504; [1953] 1 W.L.R. 84; [1953] 3 W.L.R. 135; Grey *v.* I. R. C. [1958] Ch. 375; [1958] 2 W.L.R. 168; [1958] Ch. 690; [1958] 3 W.L.R. 45; [1959] 3 W.L.R. 759

Licensing (Consolidation) Act (10 Edw. 7 & 1 Geo. 5, c. 24), s. 64 (1) (3): Brown *v.* Drew [1953] 2 Q.B. 257; [1953] 3 W.L.R. 472

1911 **Perjury Act** (1 & 2 Geo. 5, c. 6)—

s. 1 (1): R. *v.* Pritam Singh [1958] 1 W.L.R. 143

s. 5 (*b*): R. *v.* Phillips [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868

s. 15: R. *v.* Pritam Singh [1958] 1 W.L.R. 143

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ss. 1 (2), 2 (1), 5 (2) (3): Jonathan Cape *v.* Consolidated Press [1954] 1 W.L.R. 1313

s. 5 (1): Leah *v.* Two Worlds Publishing Co. Ltd. [1951] Ch. 393; [1951] 1 T.L.R. 298

s. 22: Reliance (Nameplates) *v.* Art Jewels [1953] 1 W.L.R. 530

s. 24 (1): Loew's Incorporated *v.* Littler [1958] Ch. 650; [1958] 2 W.L.R. 787

Coal Mines Act (1 & 2 Geo. 5, c. 50)—

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s. 29 (1): McCarthy *v.* Lewis [1957] 1 Q.B. 475; [1957] 2 W.L.R. 300

s. 49: Wraith *v.* National Coal Board [1954] 1 W.L.R. 264; Jackson *v.* National Coal Board [1955] 1 W.L.R. 132; Walsh *v.* National Coal Board [1956] 1 Q.B. 511; [1955] 3 W.L.R. 829; Grant *v.* National Coal Board [1956] A.C. 649; [1956] 2 W.L.R. 752; Jones *v.* National Coal Board [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760, H.L.; Gough *v.* National Coal Board [1957] 1 W.L.R. 973; [1958] 2 W.L.R. 735; [1959] A.C. 698; [1959] 2 W.L.R. 658

s. 50 (2): Gough *v.* National Coal Board [1959] A.C. 698; [1957] 1 W.L.R. 973

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s. 61: Harrison *v.* National Coal Board [1951] A.C. 639; [1951] 1 T.L.R. 1079

s. 74: Laszczyk *v.* National Coal Board [1954] 1 W.L.R. 1426; Harrison *v.* National Coal Board [1951] A.C. 639; [1951] 1 T.L.R. 1079

s. 75: Harrison *v.* National Coal Board [1951] A.C. 639; [1951] 1 H.L.R. 1079, H.L.; Bassett *v.* Evans [1956] 1 W.L.R. 925; McCarthy *v.* Lewis [1957] 1 Q.B. 475; [1957] 2 W.L.R. 300

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s. 103 (2): McCarthy *v.* Lewis [1957] 1 Q.B. 475; [1957] 2 W.L.R. 300

Maritime Conventions Act (1 & 2 Geo. 5, c. 57), s. 1: Trishna (Owners, Master and Crew) *v.* M.S.C. Panther and Ericbank (Owners) [1957] P. 143; [1957] 2 W.L.R. 432

1912 **Criminal Law Amendment Act** (2 & 3 Geo. 5, c. 24), s. 7: Calvert *v.* Mayes [1954] 1 Q.B. 342; [1954] 2 W.L.R. 18

Pilotage Act (2 & 3 Geo. 5, c. 31), s. 11 (1) (2) (4): Smith *v.* Veen [1955] 2 Q.B. 277; [1955] 2 W.L.R. 1166

1913 **Foreign Jurisdiction Act** (3 & 4 Geo. 5, c. 16)—

Sch. I: Al Baker *v.* Alford [1960] A.C. 786; [1960] 3 W.L.R. 121

1913 **Forgery Act** (3 & 4 Geo. 5, c. 27)—

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Mental Deficiency Act (3 & 4 Geo. 5, c. 28)—

s. 1: R. *v.* Head [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862; Director of Public Prosecutions *v.* Head [1959] A.C. 83; [1958] 2 W.L.R. 617

s. 1 (1) (2): *In re* Sage [1958] 1 W.L.R. 387

s. 2 (1) (*b*) (i): R. *v.* Board of Control, *Ex parte* Rutty [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822

s. 6 (2): R. *v.* Owen [1957] 1 Q.B. 174; [1956] 3 W.L.R. 739

s. 8 (1): *In re* Sage [1958] 1 W.L.R. 387

s. 9: R. *v.* Head [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862; Director of Public Prosecutions *v.* Head [1959] A.C. 83; [1958] 2 W.L.R. 617

s. 11: R. *v.* Statutory Visitors to St. Lawrence's Hospital, Caterham, *Ex parte* Pritchard [1953] 1 W.L.R. 1158

s. 15 (1): Richardson *v.* London County Council [1957] 1 W.L.R. 751

s. 56 (1) (*a*): Director of Public Prosecutions *v.* Head [1959] A.C. 83; [1958] 2 W.L.R. 617

s. 56 (1) (*a*) (*b*): R. *v.* Cook [1954] 1 W.L.R. 125; R. *v.* Head [1958] 1 Q.B. 132; [1957] 3 W.L.R. 862

s. 71: Richardson *v.* London County Council [1957] 1 W.L.R. 751

Pilotage Act (2 & 3 Geo. 5, c. 31), s. 15: Workington Harbour and Dock Board *v.* Towerfield (Owners) [1951] A.C. 112; 66 T.L.R. (Pt. 2) 387

Bankruptcy and Deeds of Arrangement Act (3 & 4 Geo. 5, c. 34), s. 15: Curtis *v.* Maloney [1951] 1 K.B. 736; (1950) 66 T.L.R. (Pt. 2) 869, C.A.; Singh *v.* Kenyan Insurance [1954] A.C. 287; [1954] 2 W.L.R. 607

1914 **Affiliation Orders Act** (4 & 5 Geo. 5, c. 6)—

s. 7: Oldfield *v.* National Assistance Board [1960] 1 Q.B. 635; [1960] 2 W.L.R. 423

Aliens Restriction Act (4 & 5 Geo. 5, c. 12), s. 1: Kuchenmeister *v.* Home Office [1958] 1 Q.B. 496; [1958] 2 W.L.R. 453

Criminal Justice Administration Act (4 & 5 Geo. 5, c. 58)—

s. 3 (1): R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409

s. 30 (3): *In re* Dankbars [1954] Ch. 98; [1953] 3 W.L.R. 957

s. 32 (3): R. *v.* Miskin Lower, Glamorganshire Justices, *Ex parte* Young [1953] 1 Q.B. 533; [1953] 2 W.L.R. 409

Bankruptcy Act (4 & 5 Geo. 5, c. 59): Rousou (A Bankrupt's) Trustee *v.* Rousou [1955] 1 W.L.R. 545

s. 1 (1) (*g*): *In re* A Debtor (No. 48 of 1952), *Ex parte* Ampthill Rural District Council *v.* The Debtor [1953] Ch. 335; [1953] 2 W.L.R. 444; *In re* A Debtor (No. 30 of 1956) [1957] Ch. 681; [1957] 2 W.L.R. 865; *In re* A Debtor (No. 80 of 1957) [1958] Ch. 81; [1957] 3 W.L.R. 184

ss. 2 (ii), 4 (1): *In re* A Debtor, *Ex parte* The Debtor *v.* Scott and The Official Receiver [1954] 1 W.L.R. 393, 1190

s. 4 (1) (*c*): *In re* A Debtor (No. 10 of 1953), *Ex parte* The Debtor *v.* Ampthill Rural District Council [1953] 1 W.L.R. 1050

ss. 5, 5 (2): *In re* A Debtor, *Ex parte* The Debtor *v.* Scott and The Official Receiver [1954] 1 W.L.R. 393, 1190

s. 9 (1): Realisations Industrielles et Commerciales S.A. *v.* Loescher and Partners [1957] 1 W.L.R. 1026

ss. 15 (3), 18 (1): *In re* Von Dembinska, *Ex parte* The Debtor *v.* The Official Receiver [1954] 1 W.L.R. 748

s. 25: *In re* A Debtor, No. 472 of 1950, *Ex parte* Swirsky [1958] 1 W.L.R. 283; *In re* Green (A Bankrupt), *Ex parte* The Trustee [1958] 1 W.L.R. 405

s. 26 (4): *In re* Joyce, *Ex parte* Joyce [1955] 1 W.L.R. 800

s. 31: *In re* A Debtor (No. 66 of 1955) [1956] 1 W.L.R. 480, 1226

s. 33 (1) (*a*): *In re* Pratt, *Ex parte* Inland Revenue Commissioners *v.* Phillips [1951] Ch. 225; (1950) 66 T.L.R. (Pt. 2) 847, C.A.; *In re* Baker (Herbert), *Ex parte* Eastbourne Waterworks Co. *v.* The Official Receiver [1954] 1 W.L.R. 1144

ss. 36 (2), 40 (1) (2): *In re* Lupkovics, *Ex parte* The Trustee *v.* Freville [1954] 1 W.L.R. 1235

s. 37: *In re* Love (J. W.) [1951] Ch. 952; [1951] 2 T.L.R. 183; [1951] 2 All E.R. 321

s. 37 (1): Coles *v.* Coles [1957] P. 68; [1956] 3 W.L.R. 861

ss. 38, 40: *In re* Love (J. W.) [1951] Ch. 952; [1951] 2 T.L.R. 183

ss. 40, 41: *In re* Cooper (A Bankrupt) [1958] Ch. 922; [1958] 3 W.L.R. 468

s. 42: *In re* Eichholz, decd. [1959] Ch. 708; [1959] 2 W.L.R. 200

s. 44 (1) (as amended): *In re* Cutts (A Bankrupt), *Ex parte* Bognor Mutual Building Society *v.* Trustee of T. W. Cutts [1956] 1 W.L.R. 728

ss. 45, 47 (1): *In re* Hone, *Ex parte* The Trustee *v.* Kensington Borough Council [1951] Ch. 85; (1950) 66 T.L.R. (Pt. 2) 350

s. 51 (2): *In re* Tennant's Application [1956] 1 W.L.R. 128, 874

s. 100: *In re* Haroutune Kouyoumjian [1956] 1 W.L.R. 558

- 1914 **Bankruptcy Act**—*continued.*
  - s. 102: *In re* Vanbergen (A Bankrupt), *Ex parte* The Trustee *v.* Vanbergen [1955] 1 W.L.R. 20
  - s. 107 (4): *In re* Judgment Summons (No. 25 of 1952), *Ex parte* Henleys [1953] Ch. 195; [1953] 2 W.L.R. 315
  - s. 108 (2) (*c*): *In re* A Debtor (No. 36 of 1952), *Ex parte* The Debtor *v.* J. T. Richardson [1953] Ch. 144; [1953] 2 W.L.R. 561
  - s. 109 (2): *In re* Von Dembinska, *Ex parte* The Debtor *v.* The Official Receiver [1954] 1 W.L.R. 748
  - s. 109 (4): *In re* Vanbergen (A Bankrupt), *Ex parte* The Trustee *v.* Vanbergen [1955] 1 W.L.R. 20
  - s. 111: *In re* Mann (A Debtor), *Ex parte* The Debtor *v.* Harrods [1958] 1 W.L.R. 1272
  - s. 122: *In re* Haroutune Kouyoumjian [1956] 1 W.L.R. 558
  - s. 130: *In re* Bradley, decd. Bradley *v.* Barclays Bank [1956] Ch. 615; [1956] 3 W.L.R. 610
  - s. 132: *In re* Fletcher [1956] Ch. 28; [1955] 3 W.L.R. 172
  - s. 141, Sch. 11, r. 24: *In re* Browne (A Bankrupt) [1960] 1 W.L.R. 692
  - s. 147 (1): *In re* A Debtor (No. 21 of 1950), *Ex parte* The Debtor *v.* Bowmaker Ltd. [1951] Ch. 313; [1951] 1 T.L.R. 174, D.C.; *In re* Vanbergen (A Bankrupt), *Ex parte* The Trustee *v.* Vanbergen [1955] 1 W.L.R. 20
  - s. 157 (1) (*a*) (*b*): R. *v.* Vaccari [1958] 1 W.L.R. 297
  - s. 168 (3): *In re* Fletcher [1956] Ch. 28; [1955] 3 W.L.R. 172
  - Sch. II, r. 13 (*c*): Cotterell *v.* Price [1960] 1 W.L.R. 1097
- **Welsh Church Act** (4 & 5 Geo. 5, c. 91), s. 23: Powell *v.* Representative Body of the Church in Wales [1957] 1 W.L.R. 439
- **Crystal Palace Act** (4 Geo. 5, c. v), s. 14: *In re* Town and Country Planning Act, 1947, Crystal Palace Trustees *v.* Minister of Town and Country Planning [1951] Ch. 132; (1950) T.L.R. (Pt. 2) 753
- **Birmingham Corporation Act** (4 & 5 Geo. 5, c. cvi), s. 12 (1): Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990
- 1915 **Finance (No. 2) Act** (5 & 6 Geo. 5, c. 89), s. 47: *In re* Smith, decd. Executor Trustee and Agency Company of South Australia *v.* Inland Revenue Commissioners [1951] Ch. 360; [1951] 1 T.L.R. 210
- **Indictments Act** (5 & 6 Geo. 5, c. 90)—
  - s. 3, Sch. 1, r. 4 (3) (4): Reg. *v.* McVitie [1960] 2 Q.B. 483; [1960] 3 W.L.R. 99
  - s. 5 (1): R. *v.* Pople [1951] 1 K.B. 53; (1950) 66 T.L.R. (Pt. 2) 319
- 1916 **Larceny Act** (6 & 7 Geo. 5, c. 50)—
  - s. 1 (a) Moynes *v.* Coopper [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562
  - s. 1 (1): R. *v.* Williams [1953] 1 Q.B. 660; [1953] 2 W.L.R. 937; Rogers *v.* Arnott [1960] 2 Q.B. 244; [1960] 3 W.L.R. 73
  - s. 1 (1) (2) (i): Russell *v.* Smith [1958] 1 Q.B. 27; [1957] 3 W.L.R. 515
  - s. 1 (2) (iii): Rose *v.* Matt [1951] 1 K.B. 810; [1951] 1 T.L.R. 474
  - s. 1 (3): Billing *v.* Pill [1954] 1 Q.B. 70; [1953] 3 W.L.R. 758
  - s. 2: Rose *v.* Matt [1951] 1 K.B. 810; [1951] 1 T.L.R. 474; R. *v.* Bryant [1955] 1 W.L.R. 715; R. *v.* Bryant (No. 2) [1956] 1 W.L.R. 133
  - s. 20 (1) (ii): R. *v.* Davies [1955] 1 Q.B. 71; [1954] 3 W.L.R. 664
  - ss. 20, 43 (2) (3): Reg. *v.* Dawson; Reg. *v.* Wenlock [1960] 1 W.L.R. 163
  - ss. 26 (1), 27 (2): Reg. *v.* Nicholls [1960] 1 W.L.R. 658
  - s. 28 (4): R. *v.* Lumsden [1951] 2 K.B. 513; [1951] 1 T.L.R. 987
  - s. 32 (1): R. *v.* Ball [1951] 2 K.B. 109, C.C.A.; R. *v.* Potter [1958] 1 W.L.R. 638
  - s. 33: D'Andrea *v.* Woods [1953] 1 W.L.R. 1307
  - s. 33 (1): Director of Public Prosecutions *v.* Nieser [1958] 3 W.L.R. 757
  - s. 36: R. *v.* Moore [1954] 1 W.L.R. 893
  - s. 43 (1): R. *v.* Davies [1953] 1 Q.B. 489; [1953] 2 W.L.R. 304
  - s. 43 (2): R. *v.* Maywhort [1955] 1 W.L.R. 848
  - s. 46 (1): D'Andrea *v.* Woods [1953] 1 W.L.R. 1307
- 1918 **Wills (Soldiers and Sailors) Act** (7 & 8 Geo. 5, c. 58), ss. 1, 3: *In the estate of* Colman, decd. [1958] 1 W.L.R. 457
- **Income Tax Act** (8 & 9 Geo. 5, c. 40)—
  - s. 14: Lewin *v.* Aller [1954] 1 W.L.R. 1063
  - s. 14 (3): Dale *v.* Inland Revenue Commissioners [1951] Ch. 893; [1951] 2 T.L.R. 522; Dale *v.* Inland Revenue Commissioners [1954] A.C. 11; [1953] 3 W.L.R. 448
  - s. 17: Lewin *v.* Aller [1954] 1 W.L.R. 1063
  - s. 27: Bingham *v.* Inland Revenue Commissioners [1956] Ch. 95; [1955] 3 W.L.R. 663
  - s. 27 (5): Innes *v.* Harrison [1954] 1 W.L.R. 668
  - s. 33 (1): Sun Life Assurance Society *v.* Davidson [1956] Ch. 524; [1956] 2 W.L.R. 71; [1956] 3 W.L.R. 238; [1958] A.C. 184; [1957] 3 W.L.R. 362
  - s. 34: *In re* Lyons, Barclays Bank Ltd. *v.* Lyons [1951] Ch. 1093; [1951] 2 T.L.R. 429
  - s. 37: Inland Revenue Commissioners *v.* Nicolson [1953] 1 W.L.R. 809
  - s. 37 (1): Camille and Henry Dreyfus Foundation, Inc. *v.* Inland Revenue Commissioners [1954] Ch. 672; [1954] 3 W.L.R. 167; [1956] A.C. 39; [1955] 3 W.L.R. 451
  - s. 37 (1) (*b*): Inland Revenue Commissioners *v.* Broadway Cottages Trust [1955] Ch. 20; [1954] 1 W.L.R. 438, 659

1918 **Income Tax Act**—*continued.*

s. 125: Earl Beatty *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 1090

s. 169: Inland Revenue Commissioners *v.* Pearlberg [1953] 1 W.L.R. 331

Sch. 1: Fynn *v.* Inland Revenue Commissioners [1958] 1 W.L.R. 585; Ostime *v.* Australian Mutual Provident Society [1958] Ch. 774; [1958] 2 W.L.R. 636; [1958] 3 W.L.R. 354; Ostime *v.* Australian Mutual Provident Society [1959] 3 W.L.R. 410

Sch. A: Jennings *v.* Middlesbrough Corporation [1953] 1 W.L.R. 833

Sch. A, No. VII, r. 8: Inland Revenue Commissioners *v.* Pearlberg [1953] 1 W.L.R. 331

Sch. A, No. VII, rr. 8 (*c*), 12: Gatehouse *v.* Vise (Inspector of Taxes) [1956] 1 W.L.R. 1509; [1957] Ch. 367; [1957] 2 W.L.R. 672

Sch. C, and fourth r. 1: Inland Revenue Commissioners *v.* Bew Estates [1956] Ch. 407; [1956] 3 W.L.R. 139

Sch. D: Anglo-French Exploration Co. *v.* Clayson (Inspector of Taxes) [1956] 1 W.L.R. 325; Temperley (Inspector of Taxes) *v.* Smith [1956] 1 W.L.R. 931; [1956] 3 W.L.R. 389; Ostime *v.* Australian Mutual Provident Society [1958] Ch. 774; [1958] 2 W.L.R. 636; [1958] 3 W.L.R. 354

Sch. D, para. 1: Firestone Tyre and Rubber Co. *v.* Lewellyn [1956] 1 W.L.R. 352

Sch. D, 1 (*a*) (i), Cases IV, r. 2, and V, r. 2: Thomson (Inspector of Taxes) *v.* Moyse [1960] 3 W.L.R. 929; [1959] Ch. 464; [1959] 2 W.L.R. 577

Sch. D, para. 1 (*a*) (iii): Boston Deep Sea Fishing and Ice Co. *v.* Farnham [1957] 1 W.L.R. 1051; Firestone Tyre and Rubber Co. *v.* Lewellin [1957] 1 W.L.R. 464

Sch. D, Case I: Patrick (Inspector of Taxes) *v.* Broadstone Mills [1954] 1 W.L.R. 158; Stow Bardolph Gravel Co. *v.* Poole [1954] 1 W.L.R. 1058, 1503; Edwards (Inspector of Taxes) *v.* Bairstow [1956] A.C. 14; [1955] 3 W.L.R. 410; Sharkey (Inspector of Taxes) *v.* Wernher [1956] A.C. 58; [1955] 3 W.L.R. 671; London Investment and Mortgage Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 858; [1957] 1 W.L.R. 116; Hood Barrs *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 529

Sch. D, Cases I and II: Southern Railway of Peru *v.* Owen (Inspector of Taxes) [1956] 3 W.L.R. 389

Sch. D, Cases I and II, r. 3: Sun Life Assurance Society *v.* Davidson [1956] Ch. 524; [1956] 2 W.L.R. 71; [1956] 3 W.L.R. 238; [1957] 3 W.L.R. 362

Sch. D, Cases I and II, r. 3 (*a*): Morgan *v.* Tate & Lyle [1953] Ch. 601; [1953] 1 W.L.R. 145; [1954] 3 W.L.R. 85; Boarland *v.* Kramat Pulai [1953] 1 W.L.R. 1332

Sch. D, Cases I and II, r. 11 (2): Boarland *v.* Madras Electric Supply Corporation [1953] 1 W.L.R. 920; [1954] 1 W.L.R. 87; Madras Electric Supply Corporation *v.* Boarland [1955] A.C. 667; [1955] 2 W.L.R. 632

Sch. D, Cases I and VI: North Central Wagon and Finance Co. *v.* A. W. Fifield [1953] 1 W.L.R. 610; Jennings *v.* Middlesbrough Corporation [1953] 1 W.L.R. 833

Sch. D, Case II: Higgs (Inspector of Taxes) *v.* Olivier [1951] Ch. 899; [1951] 2 T.L.R. 298; Household *v.* Grimshaw [1953] 1 W.L.R. 710

Sch. D, Cases II, III, VI: Carson (Inspector of Taxes) *v.* Cheyney's Executor [1958] Ch. 345; [1957] 3 W.L.R. 344, 768; [1959] A.C. 412; [1958] 3 W.L.R. 740

Sch. D, Cases II and V: Bray *v.* Colenbrander [1953] A.C. 503; [1953] 2 W.L.R. 927

Sch. D, Case III: Hart (Inspector of Taxes) *v.* Sangster [1956] 1 W.L.R. 1105; [1957] Ch. 329; [1957] 1 W.L.R. 812

Sch. D, rules applicable to Case III, r. 3: Ostime (Inspector of Taxes) *v.* Australian Mutual Provident Society [1960] A.C. 459; [1959] 3 W.L.R. 410

Sch. D, Case III, r. 1 (*a*): Dale *v.* Inland Revenue Commissioners [1953] 3 W.L.R. 448; Inland Revenue Commissioners *v.* Whitworth Coal Co. [1958] Ch. 792; [1958] 2 W.L.R. 815

Sch. D, Case III, rr. 1 (*a*), 2; Case VI, r. 2; All Schedules Rules, rr. 19, 21: Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842

Sch. D, Case III, All Schedules Rules, r. 19: Inland Revenue Commissioners *v.* City of London (as Epping Forest Conservators) [1953] 1 W.L.R. 652

Sch. D, Cases IV and V: Thomson (Inspector of Taxes) *v.* Moyse [1958] 1 W.L.R. 1063

Sch. D, Case VI: Littman *v.* Barron (Inspector of Taxes) [1951] Ch. 993; [1951] 2 T.L.R. 323; Fynn *v.* Inland Revenue Commissioners [1958] 1 W.L.R. 585; Sch. D, Case VI, r. 2: Inland Revenue Commissioners *v.* Whitworth Park Coal Co. [1958] Ch. 792; [1958] 2 W.L.R. 815

Schs. D, E (as amended by Finance Act, 1922 (12 & 13 Geo. 5, c. 17), s. 18): Mitchell and Edon (Inspectors of Taxes) *v.* Ross [1960] Ch. 145; [1960] 2 W.L.R. 766; [1959] 3 W.L.R. 550

Sch. E, r. 1: Moorhouse (Inspector of Taxes) *v.* Dooland [1955] Ch. 284; [1955] 2 W.L.R. 96

Sch. E, rr. 1, 5: Heasman *v.* Jordan [1954] Ch. 744; [1954] 1 W.L.R. 432

Sch E, r. 6: Bray *v.* Colenbrander [1953] A.C. 503; [1953] 2 W.L.R. 927

Sch. E, r. 9: Lomax *v.* Newton [1953] 1 W.L.R. 1123

All Schedules Rules, rr. 5, 10: Firestone Tyre and Rubber Co. *v.* Lewellyn [1956] 1 W.L.R. 352; [1957] 1 W.L.R. 464; Boston Deep Sea Fishing and Ice Co. *v.* Farnham [1957] 1 W.L.R. 1051

All Schedules Rules, r. 16: Inland Revenue Commissioners *v.* Barclays Bank Ltd.; Same *v.* Latilla-Campbell; Same *v.* Mayo [1951] A.C. 421; [1951] 1 T.L.R. 280

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All Schedules Rules, r. 19: Dale *v.* Inland Revenue Commissioners [1951] Ch. 893; [1951] 2 T.L.R. 522; Stokes *v.* Bennett [1953] Ch. 566; [1953] 3 W.L.R. 170; Dale *v.* Inland Revenue Commissioners [1954] A.C. 11; [1953] 3 W.L.R. 448; Bingham *v.* Inland Revenue Commissioners [1956] Ch. 95; [1955] 3 W.L.R. 663

All Schedules Rules, r. 21: Stokes *v.* Bennett [1953] Ch. 566; [1953] 3 W.L.R. 170; Bingham *v.* Inland Revenue Commissioners [1956] Ch. 95; [1955] 3 W.L.R. 663; Inland Revenue Commissioners *v.* Whitworth Park Coal Co. [1958] Ch. 792; [1958] 2 W.L.R. 815

All Schedules Rules, r. 23 (2): Jaworski *v.* Institution of Polish Engineers in Great Britain Ltd. [1951] 1 K.B. 768

1919 **Acquisition of Land (Assessment of Compensation) Act** (9 & 10 Geo. 5, c. 57)—

s. 1, rr. (1), (2), (5), (6): Harvey *v.* Crawley Development Corporation [1957] 1 Q.B. 485; [1957] 2 W.L.R. 332

s. 2: Watson *v.* Secretary of State for Air [1954] 1 W.L.R. 1477; Maori Trustee *v.* Ministry of Works [1959] A.C. 1; [1958] 3 W.L.R. 536

s. 2, rr. (1), (2), (3): Lambe *v.* Secretary of State for War [1955] 2 Q.B. 612; [1955] 2 W.L.R. 1127

s. 2, r. (6): W. Rought *v.* West Suffolk County Council [1955] 2 Q.B. 338; [1955] 2 W.L.R. 1080; West Suffolk County Council *v.* W. Rought [1957] A.C. 403; [1956] 3 W.L.R. 589

Welsh Church (Temporalities) Act (9 & 10 Geo. 5, c. 65), s. 6: Powell *v.* Representative Body of the Church in Wales [1957] 1 W.L.R. 439

Industrial Courts Act (9 & 10 Geo. 5, c. 69)—

s. 4 (1): Beetham *v.* Trinidad Cement Ltd. [1960] A.C. 132; [1960] 2 W.L.R. 77

Aliens Restriction (Amendment) Act (9 & 10 Geo. 5, c. 92), s. 1 (1): Kuchenmeister *v.* Home Office [1958] 1 Q.B. 496; [1958] 2 W.L.R. 453

Electricity Supply Act (9 & 10 Geo. 5, c. 100), s. 22 (1): Central Electricity Generating Board *v.* Jennaway [1959] 1 W.L.R. 937

1920 **Increase of Rent and Mortgage Interest (Restrictions) Act** (10 & 11 Geo. 5, c. 17)—

s. 1: British Land Co. *v.* Herbert Silver (Menswear) [1958] 1 Q.B. 630; [1958] 2 W.L.R. 580

s. 2 (1) (*a*): Morcom *v.* Campbell-Johnson [1956] 1 Q.B. 106; [1955] 3 W.L.R. 497

s. 2 (1) (*b*): Mills *v.* Bryce [1951] 1 K.B. 757; [1951] 1 T.L.R. 53

s. 2 (1) (*b*) (3): Steel (M. & H.) *v.* Cockroft [1951] 2 K.B. 429; Westminster and Kensington Freeholds *v.* Holme [1955] 1 W.L.R. 272; Regis Property Co. *v.* Redman [1956] 2 Q.B. 612; [1956] 3 W.L.R. 95

s. 2 (1) (*d*): Jackson *v.* Croucher [1956] 1 Q.B. 394; [1956] 2 W.L.R. 331

s. 3 (2): Mills *v.* Bryce [1951] 1 K.B. 757; [1951] 1 T.L.R. 53

s. 5 (2): American Economic Laundry Ltd. *v.* Little [1951] 1 K.B. 400; (1950) 66 T.L.R. (Pt. 2) 1080

s. 7: Coutts & Co. *v.* Duntroon Investment Corporation [1958] 1 W.L.R. 116

s. 7 (*a*): Nichols *v.* Walters [1954] 1 W.L.R. 1

s. 8: Temple *v.* Lewis [1954] 1 Q.B. 22; [1953] 3 W.L.R. 762

s. 12 (1): Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82

s. 12 (1) (*a*): Court *v.* Robinson [1951] 2 K.B. 60; Anspach *v.* Charlton Steam Shipping Co. [1955] 2 Q.B. 21; [1955] 2 W.L.R. 601

s. 12 (1) (*f*): Drive Yourself Hire Co. (London) *v.* Strutt [1954] 1 Q.B. 250; [1953] 2 W.L.R. 953; [1953] 3 W.L.R. 1111, C.A.

s. 12 (1) (*g*): American Economic Laundry Ltd. *v.* Little [1951] 1 K.B. 400; (1950) 66 T.L.R. (Pt. 2) 1080; Tinkham *v.* Perry [1951] 1 K.B. 547; [1951] 1 T.L.R. 91; Langdon *v.* Horton [1951] 1 K.B. 666; [1951] 1 T.L.R. 238; Perry *v.* Dembowski [1951] 2 K.B. 420; [1951] 1 T.L.R. 1166; Taylor *v.* Willoughby [1953] 1 W.L.R. 1020; Hawes *v.* Evenden [1953] 1 W.L.R. 1169; Strutt *v.* Panter [1953] 1 Q.B. 397; [1953] 2 W.L.R. 406, C.A.; Drive Yourself Hire Co. *v.* Strutt [1954] 1 Q.B. 250; [1953] 2 W.L.R. 953; [1953] 3 W.L.R. 1111, C.A.; Butler *v.* Hudson [1953] 2 Q.B. 407; [1953] 3 W.L.R. 227; Mills *v.* Allen [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356; The Bungalows (Maidenhead) *v.* Mason [1954] 1 W.L.R. 769, C.A.; Whitmore *v.* Lambert [1955] 1 W.L.R. 495; Sherrin *v.* Brand [1956] 1 Q.B. 403; [1956] 2 W.L.R. 131; Edmunds *v.* Jones [1957] 1 W.L.R. 1118n.; Trayfoot *v.* Lock [1957] 1 W.L.R. 351; Collier *v.* Stoneham [1957] 1 W.L.R. 1108

s. 12 (2): Paisner *v.* Goodrich [1955] 2 Q.B. 353; [1955] 2 W.L.R. 1071; Goodrich *v.* Paisner [1957] A.C. 65; [1956] 2 W.L.R. 1053; British Land Co. *v.* Herbert Silver (Menswear) [1958] 1 Q.B. 530; [1958] 2 W.L.R. 580

s. 12 (2) (i): Hern *v.* Palmer [1955] 1 W.L.R. 123, C.A.

s. 12 (2) (iii) (6): Davies *v.* Gilbert [1955] 1 W.L.R. 160, C.A.

s. 12 (2) (7): Montagu *v.* Browning [1954] 1 W.L.R. 1039, C.A.

s. 12 (3): R. *v.* Sidmouth Rent Tribunal. *Ex parte* Sellek [1951] 1 K.B. 778; [1951] 1 T.L.R. 408; R. *v.* Judge Pugh. *Ex parte* Graham [1951] 2 K.B. 623; [1951] 2 T.L.R. 253, D.C.

s. 12 (5): Coutts & Co. *v.* Duntroon Investment Corporation [1958] 1 W.L.R. 116

s. 12 (7): Samrose Properties *v.* Gibbard [1958] 1 W.L.R. 235

s. 14: British Land Co. *v.* Herbert Silver (Menswear) [1958] 1 Q.B. 530; [1958] 2 W.L.R. 580, C.A.

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s. 14 (1): Bradley-Hole *v.* Cusen [1953] 1 Q.B. 300; [1953] 2 W.L.R. 193; Temple *v.* Lewis [1954] 1 Q.B. 22; [1953] 3 W.L.R. 762, C.A.; Dean *v.* Wiesengrund [1955] 2 Q.B. 120; [1955] 2 W.L.R. 1171
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s. 15 (1): John M. Brown Ltd. *v.* Bestwick [1951] 1 K.B. 21; (1950) 66 T.L.R. (Pt. 2) 248, C.A.; Thompson *v.* Ward [1953] 2 Q.B. 153; [1953] 2 W.L.R. 1042; Berkeley *v.* Papadoyannis [1954] 2 Q.B. 149; [1954] 3 W.L.R. 23; Cove *v.* Flick [1954] 2 Q.B. 326n.; [1954] 3 W.L.R. 82; S. L. Dando *v.* Hitchcock [1954] 2 Q.B. 317; [1954] 3 W.L.R. 76, C.A.; Westminster and Kensington Freeholds *v.* Holme [1955] 1 W.L.R. 272
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1921 **Finance Act** (11 & 12 Geo. 5, c. 32), s. 30 (1) (*c*) (3): Inland Revenue Commissioners *v.* City of Glasgow Police Athletic Association [1953] A.C. 380; [1953] 2 W.L.R. 625, H.L.

Licensing Act (11 & 12 Geo. 5, c. 42), s. 4: Ferguson *v.* Weaving [1951] 1 K.B. 814; [1951] 1 T.L.R. 465, D.C.

Railways Act (11 & 12 Geo. 5, c. 55), s. 26: British Transport Commission *v.* London County Council [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665, C.A.

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- 1923 **Union of Benefices Measure** (14 & 15 Geo. 5, No. 2)—
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- 1924 **Carriage of Goods by Sea Act** (14 & 15 Geo. 5, c. 22): Midland Silicones *v.* Scruttons [1959] 2 Q.B. 171; [1959] 2 W.L.R. 761
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- **Malvern Hills Act** (14 & 15 Geo. 5, c. xxxvi), s. 54, Sch. 4: Pyx Granite Co. *v.* Ministry of Housing and Local Government and the County Council of the Administrative County of Worcester [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371; [1960] A.C. 260; [1959] 3 W.L.R. 346
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s. 199 (1): Smith *v.* Jones [1954] 1 W.L.R. 1089
s. 205: Stevens *v.* Hutchinson [1953] Ch. 299; [1953] 2 W.L.R. 545; Tithe Redemption Commission *v.* Runcorn Urban District Council [1953] 3 W.L.R. 845
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s. 23 (1): Morelle *v.* Wakeling [1955] 2 Q.B. 379; [1955] 2 W.L.R. 673; Attorney-General *v.* Parsons [1956] A.C. 421; [1956] 2 W.L.R. 153
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s. 35: *In re* Biss, decd., Heasman *v.* Biss [1956] Ch. 243; [1956] 2 W.L.R. 94; *In re* Cole [1958] Ch. 577; [1958] 3 W.L.R. 447
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s. 7 (1): R. *v.* Sandbach Justices. *Ex parte* Smith [1951] 1 K.B. 62; (1950) 66 T.L.R. (Pt. 2) 291

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s. 47: Holloway *v.* Mobberley & Perry Ltd. [1951] 1 K.B. 316; (1950) 66 T.L.R. (Pt. 2) 579

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1926 **Adoption of Children Act** (16 & 17 Geo. 5, c. 29), s. 5 (2) (4): *In re* Gilpin, Hutchinson *v.* Gilpin [1954] Ch. 1; [1953] 3 W.L.R. 746

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1927 **Auctions (Bidding Agreements) Act** (17 & 18 Geo. 5, c. 12), s. 1: R. *v.* Barnett [1951] 2 K.B. 425; [1951] 1 T.L.R. 899

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- s. 13: *In re* Section 105, Law of Property Act, 1925. C. & M. Matthews Ltd. *v.* Marsden Building Society [1951] Ch. 378; [1951] 1 T.L.R. 441; [1951] Ch. 758; [1951] 1 T.L.R. 1114

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- s. 5: Corsini *v.* Montague Burton [1953] 2 Q.B. 126; [1953] 2 W.L.R. 1092; Etam *v.* Forte [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719
- s. 5 (1): Pasmore *v.* Whitbread & Co. [1953] 2 Q.B. 226; [1953] 2 W.L.R. 359
- s. 5 (1) (2): Kerridge *v.* Lamdin [1951] 1 K.B. 478; (1950) 66 T.L.R. (Pt. 2) 986
- s. 5 (1) (2) (5): Lambert *v.* Ve-Ri-Best Manufacturing Co. [1954] 1 Q.B. 524; [1954] 2 W.L.R. 782; Rialto Cinemas *v.* Wolfe [1955] 1 W.L.R. 693
- s. 9: Etam *v.* Forte [1955] 1 Q.B. 239; [1954] 3 W.L.R. 719
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- s. 25 (1): Williams *v.* Portman (Viscount) [1951] 2 K.B. 948; [1951] 2 T.L.R. 526

Road Transport Lighting Act (17 & 18 Geo. 5, c. 37), ss. 1 (1), 15: Thomas *v.* Dando [1951] 2 K.B. 620; [1951] 1 T.L.R. 1067

1928 **Administration of Justice Act** (18 & 19 Geo. 5, c. 26), s. 9: *In the Goods of* Edwards Taylor, decd. [1951] P. 24; (1950) 66 T.L.R. (Pt. 2) 593

Racecourse Betting Act (18 & 19 Geo. 5, c. 41), s. 3: Racecourse Betting Control Board *v.* Young [1958] 1 W.L.R. 123, 705; [1959] 1 W.L.R. 813

Rating and Valuation (Apportionment) Act (18 & 19 Geo. 5, c. 44)—
- s. 1: Fatstock Marketing Corporation *v.* Morgan (Valuation Officer) [1958] 1 W.L.R. 357
- s. 2: Perrins *v.* Draper [1953] 1 W.L.R. 1178
- s. 2 (2): National Pig Progeny Testing Board *v.* Greenall [1960] 1 W.L.R. 1265
- s. 3: Automobile Proprietary *v.* Brown (Valuation Officer) [1955] 1 W.L.R. 573; London Transport Executive *v.* Betts (Valuation Officer) [1957] 1 W.L.R. 988; [1958] 3 W.L.R. 239; Meriden Rural District Council *v.* Standard Motor Co. Paver (Valuation Officer) *v.* Standard Motor Co. [1957] 1 W.L.R. 958; Fatstock Marketing Corporation *v.* Morgan [1958] 1 W.L.R. 357
- s. 3 (1): Cockram *v.* Tropical Preservation Co. Ltd. [1951] 2 K.B. 827; [1951] 2 T.L.R. 814; Wilson Brothers *v.* Edwards (Valuation Officer) [1958] 1 W.L.R. 955; Hudson's Bay Co. *v.* Thompson (Valuation Officer) [1960] A.C. 926; [1959] 3 W.L.R. 317; Harry Ferguson Research Ltd. *v.* Dawkins [1960] 1 W.L.R. 639
- s. 3 (1) (4): Dolton, Bournes & Dolton *v.* Osmond (Valuation Officer) [1955] 1 W.L.R. 621; Almond *v.* Heathfield Laundry (Birmingham) Ltd. [1960] 1 W.L.R. 1339
- s. 3 (2) (3): Gilbert (Valuation Officer) *v.* S. Hickinbottom & Sons [1956] 2 Q.B. 40; [1956] 2 W.L.R. 952
- ss. 3, 4: Crowe *v.* Lloyds British Testing Co. Ltd. [1960] 1 Q.B. 592; [1960] 2 W.L.R. 227
- s. 5 (1) (*c*): Shell-Mex and B.P. *v.* Clayton [1956] 1 W.L.R. 1198
- ss. 5 (1) (*c*), (2) (*c*), (3), 6: Shell-Mex and B.P. *v.* Clayton [1955] 1 W.L.R. 982

1929 **Local Government Act** (19 & 20 Geo. 5, c. 17)—
- s. 29: Tithe Redemption Commission *v.* Runcorn Urban District Council [1954] Ch. 383; [1954] 2 W.L.R. 518
- s. 30 (1): Attorney-General *v.* St. Ives Rural District Council [1959] 3 W.L.R. 575
- s. 32: Baxter *v.* Stockton-on-Tees Corporation [1959] 1 Q.B. 441; [1958] 3 W.L.R. 275

Companies Act (19 & 20 Geo. 5, c. 23)—
- s. 61: *In re* John Smith's Tadcaster Brewery [1953] Ch. 308; [1953] 2 W.L.R. 516
- ss. 211, 221 (1): *In re* Banque des Marchands de Moscou (Koupetschesky) [1958] Ch. 182; [1957] 3 W.L.R. 637
- s. 261: *In re* Banque des Marchands de Moscou (Koupetschesky) (No. 2) [1954] 1 W.L.R. 1108
- s. 306 (1): Portman Building Society *v.* Gallwey [1955] 1 W.L.R. 96

1929 **Companies Act**—*continued.*

ss. 338 (1), 342: *In re* Banque des Marchands de Moscou (Koupetschesky) [1958] Ch. 182; [1957] 3 W.L.R. 637

s. 338 (1) (*d*): Banque des Marchands de Moscou (Koupetschesky) *v.* Kindersley [1951] Ch. 112; (1950) 66 T.L.R. (Pt. 2) 654

Age of Marriage Act (19 & 20 Geo. 5, c. 36), ss. 1, 3: Pugh *v.* Pugh [1951] P. 482; [1951] 2 T.L.R. 806

Derbyshire and Nottinghamshire Electric Power Act (19 & 20 Geo. 5, c. lxxxvi), s. 37: Pride of Derby and Derbyshire Angling Association *v.* British Celanese [1953] Ch. 149; [1953] 2 W.L.R. 58

1930 **Poor Law Amendment Act** (20 Geo. 5, c. 17), s. 14 (3): Taylor *v.* Parry [1951] 2 K.B. 442; [1951] 1 T.L.R. 509

Mental Treatment Act (20 & 21 Geo. 5, c. 23)—

ss. 1 (1) (5), 2 (3), 3 (1): Swymer *v.* Swymer [1955] P. 11; [1954] 3 W.L.R. 803

s. 5: Bithell *v.* Bithell [1955] P. 76; [1954] 3 W.L.R. 463

s. 5 (14): Wyatt *v.* Wyatt [1955] P. 26; [1953] 2 W.L.R. 1158

s. 16 (1): Richardson *v.* London County Council [1957] 1 W.L.R. 751; Buxton *v.* Jayne [1960] 1 W.L.R. 783; Whitehouse *v.* Board of Control [1960] 1 W.L.R. 1093

Finance Act (20 & 21 Geo. 5, c. 28)—

s. 40: *In re* Bedford, decd. [1960] 1 W.L.R. 1331

s. 42: Escoigne Properties *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 981; [1957] 1 W.L.R. 174; [1958] A.C. 549; [1958] 2 W.L.R. 336

Road Traffic Act (20 & 21 Geo. 5, c. 43)—

s. 1: Garner *v.* Burr [1951] 1 K.B. 31; (1950) 66 T.L.R. (Pt. 2) 798

ss. 1, 2: Floyd *v.* Bush [1953] 1 W.L.R. 242

s. 2 (1): Cording *v.* Halse [1955] 1 Q.B. 63; [1954] 3 W.L.R. 625

s. 3: Vinall *v.* Howard [1953] 1 W.L.R. 987

s. 3 (1): Garner *v.* Burr [1951] 1 K.B. 31; (1950) 66 T.L.R. (Pt. 2) 768; James & Son *v.* Smee, Green *v.* Burnett [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631; Vinall *v.* Howard [1954] 1 Q.B. 375; [1954] 2 W.L.R. 314

s. 3 (3): Garner *v.* Burr [1951] 1 K.B. 31; (1950) 66 T.L.R. (Pt. 2) 768

s. 4: Floyd *v.* Bush [1953] 1 W.L.R. 242; Edwards *v.* Griffiths [1953] 1 W.L.R. 1199

s. 4 (1): John *v.* Humphreys [1955] 1 W.L.R. 325; Griffin *v.* Squires [1958] 1 W.L.R. 1106

s. 5 (1) (2) (4): Edwards *v.* Griffiths [1953] 1 W.L.R. 1199

s. 6: Petherick *v.* Buckland [1955] 1 W.L.R. 48; R. *v.* Cottrell (No. 2) [1956] 1 W.L.R. 342

s. 7 (3): R. *v.* Cottrell [1956] 1 W.L.R. 70, 342; R. *v.* Manchester Justices, *Ex parte* Gaynor [1956] 1 W.L.R. 280

s. 7 (4): Lines *v.* Hersom [1951] 2 K.B. 682; [1951] 2 T.L.R. 481; R. *v.* Simons and Simons [1953] 1 W.L.R. 1014; Aichroth *v.* Cottee [1954] 1 W.L.R. 1124; R. *v.* Phillips [1955] 1 W.L.R. 1103; Davidson-Houston *v.* Lanning [1955] 1 W.L.R. 858; Mumford *v.* Hardy [1956] 1 W.L.R. 163

s. 9 (5): Mumford *v.* Hardy [1956] 1 W.L.R. 163

s. 10: Gibbins *v.* Skinner [1951] 2 K.B. 379; [1951] 1 T.L.R. 1159

s. 10 (1): Bryson *v.* Rogers [1956] 2 Q.B. 404; [1956] 3 W.L.R. 495

s. 11: Middleton *v.* Rowlett [1954] 1 W.L.R. 831

s. 11 (1): Hill *v.* Baxter [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76

ss. 11, 12: R. *v.* Nuneaton Justices, *Ex parte* Parker [1954] 1 W.L.R. 1318

s. 12: Stewart *v.* Chapman [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; R. *v.* Arundel Justices, *Ex parte* Jackson [1959] 2 Q.B. 89; [1959] 2 W.L.R. 798

s. 12 (1): Gibbons *v.* Kahl [1956] 1 Q.B. 59; [1955] 3 W.L.R. 596

s. 15 (1): Armstrong *v.* Clark [1957] 2 Q.B. 391; [1957] 2 W.L.R. 400

s. 19: Parkinson *v.* Axon [1951] 2 K.B. 678

s. 21: Stewart *v.* Chapman [1951] 2 K.B. 792; [1951] 2 T.L.R. 640; Pope *v.* Clarke [1953] 1 W.L.R. 1060; R. *v.* Jennings [1956] 1 W.L.R. 1497; Reg. *v.* Edmonton Justices. *Ex parte* Brooks [1960] 1 W.L.R. 697

s. 21 (*a*): Jollye *v.* Dale [1960] 2 Q.B. 258; [1960] 2 W.L.R. 1027

s. 21 (*c*): Holt *v.* Dyson [1951] 1 K.B. 364; (1950) 66 T.L.R. (Pt. 2) 1009; Sandland *v.* Neale [1955] 3 W.L.R. 689; Beer *v.* Davies [1958] 2 Q.B. 187; [1958] 2 W.L.R. 920; Lund *v.* Thompson [1959] 1 Q.B. 283; [1958] 3 W.L.R. 594; Layton *v.* Shires [1959] 3 W.L.R. 949

s. 22: Quelch *v.* Phipps [1955] 2 Q.B. 107; [1955] 2 W.L.R. 1067

s. 26: London County Council *v.* Hay's Wharf Cartage Co. [1953] 1 W.L.R. 677; Cording *v.* Halse [1955] 1 Q.B. 63; [1954] 3 W.L.R. 625

s. 28: Floyd *v.* Bush [1953] 1 W.L.R. 242

s. 28 (1): Reg. *v.* Stally [1960] 1 W.L.R. 79

ss. 28 (1), 35 (1): D. (An Infant) *v.* Parsons [1960] 1 W.L.R. 797

s. 35: Floyd *v.* Bush [1953] 1 W.L.R. 242; Carnill *v.* Rowland [1953] 1 W.L.R. 380; Edwards *v.* Griffiths [1953] 1 W.L.R. 1199; Lloyd *v.* Singleton [1953] 1 Q.B. 357; [1953] 2 W.L.R. 278; Dennis *v.* Tame [1954] 1 W.L.R. 1338; Surtees *v.* Benewith [1954] 1 W.L.R. 1335; Evans *v.* Walkenden [1956 1 W.L.R. 1019

1930 **Road Traffic Act**—*continued.*

ss. 35 (1), 36 (1) (*b*): Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 631; Lister *v.* Romford Ice and Cold Storage Co. [1957] A.C. 555; [1957] 2 W.L.R. 158

s. 35 (2): Pilbury *v.* Brazier [1951] 1 K.B. 340; (1950) 66 T.L.R. (Pt. 2) 763; Semtex *v.* Gladstone [1954] 1 W.L.R. 945; Buchanan *v.* Motor Insurers' Bureau [1955] 1 W.L.R. 325, 488; Mumford *v.* Hardy [1956] 1 W.L.R. 163; Elliott *v.* Grey [1960] 1 Q.B. 367; [1959] 3 W.L.R. 956

s. 36 (1) (*b*) (2), as substituted by Road and Rail Traffic Act, 1933 (23 & 24 Geo. 5, c. 53), s. 33: Barnet Group Hospital Management Committee *v.* Eagle Star Insurance Co. [1960] 1 Q.B. 107; [1959] 3 W.L.R. 610

s. 46 (1) and (2) as amended by Road and Rail Traffic Act, 1933 (23 & 24 Geo. 5, c. 53), s. 29 (4): Brownsea Haven Properties *v.* Poole Corporation [1957] 3 W.L.R. 669; [1958] Ch. 574; [1958] 2 W.L.R. 137

s. 49 (*b*): Hill *v.* Baxter [1958] 1 Q.B. 277; [1958] 2 W.L.R. 76

s. 61 (1) (*b*): Reynolds *v.* G. H. Austin & Sons Ltd. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614

s. 61 (1) (2): Browning *v.* J. W. H. Watson (Rochester) [1953] 1 W.L.R. 1172; Wurzal *v.* Dowker [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196

s. 61 (2): Reynolds *v.* G. H. Austin & Sons Ltd. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614; Victoria Motors (Scarborough) Ltd. *v.* Wurzal [1951] 2 K.B. 520; [1951] 1 T.L.R. 837

s. 72: Ebbw Vale Urban District Council *v.* South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 T.L.R. 742; Wurzal *v.* Dowker [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196

s. 72 (1) (10): Reynolds *v.* G. H. Austin & Sons Ltd. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614

s. 104: Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990

s. 121: Griffin *v.* Squires [1958] 1 W.L.R. 1106

s. 121 (1): Buchanan *v.* Motor Insurers' Bureau [1955] 1 W.L.R. 325, 488

Sch. 1: Bryson *v.* Rogers [1956] 2 Q.B. 404; [1956] 3 W.L.R. 495

Land Drainage Act (20 & 21 Geo. 5, c. 44)—

s. 29: B. P. Refinery (Kent) *v.* Kent River Board; Same *v.* Lower Medway Internal Drainage Board [1957] 1 Q.B. 84; [1956] 3 W.L.R. 423

ss. 34 (1) (3), 38 (1), 81: Jones *v.* Mersey River Board [1958] 1 Q.B. 143; [1957] 3 W.L.R. 789

London Building Act (20 & 21 Geo. 5, c. clviii)—

s. 5: Solomons *v.* R. Gertzenstein [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317

s. 22: London County Council *v.* Tann [1954] 1 W.L.R. 371

1931 **Statute of Westminster** (22 & 23 Geo. 5, c. 4), ss. 1, 2: *In re* Brassey's Settlement, Barclays Bank *v.* Brassey [1955] 1 W.L.R. 192

Planning and Housing Act (Northern Ireland) (21 & 22 Geo. 5, c. 12)—

s. 10 (2): Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148

Architects (Registration) Act (21 & 22 Geo. 5, c. 33), ss. 7 (1), 9: Hughes *v.* Architects' Registration Council of the United Kingdom [1957] 2 Q.B. 550; [1957] 3 W.L.R. 120

Agricultural Marketing Act (21 & 22 Geo. 5, c. 42)—

s. 1 (8): Merricks *v.* Heathcoat-Amory [1955] Ch. 567; [1955] 3 W.L.R. 56

ss. 1 (1) (8), 5, 6 (1): Tuker *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 W.L.R. 819

s. 5 (*g*): Potato Marketing Board *v.* Merricks [1958] 2 Q.B. 316; [1958] 3 W.L.R. 135

Finance (No. 2) Act (21 & 22 Geo. 5, c. 49), s. 22 (1): *In re* Smith, decd. Executor Trustee and Agency Company of South Australia *v.* Inland Revenue Commissioners [1951] Ch. 360; [1951] 1 T.L.R. 210

1932 **Companies Act (Northern Ireland)** (22 & 23 Geo. 5 (N.I.), c. 7): Nestlé Co. Ld. *v.* Inland Revenue Commissioners [1953] Ch. 395; [1953] 2 W.L.R. 786

Merchant Shipping (Safety and Load Line Conventions) Act (22 & 23 Geo. 5, c. 9),

ss. 44, 57: St. John Shipping Corporation *v.* Joseph Rank [1956] 1 W.L.R. 870

s. 61 (4) (6): R. *v.* Campbell. *Ex parte* Nomikos [1956] 3 W.L.R. 622

Carriage by Air Act (22 & 23 Geo. 5, c. 36), s. 1, Sch. I: Rotterdamsche Bank N.V. *v.* British Overseas Airways Corporation [1953] 1 W.L.R. 493; Preston *v.* Hunting Air Transport [1956] 1 Q.B. 454; [1956] 2 W.L.R. 526

Solicitors Act (22 & 23 Geo. 5, c. 37)—

s. 57: *In re* A Solicitor [1955] 3 W.L.R. 549

ss. 59, 60 (5) (6), 62: *In re* Simmons & Politzer [1954] 2 Q.B. 296; [1954] 3 W.L.R. 423

s. 64: *In re* A Solicitor [1953] Ch. 480; [1953] 2 W.L.R. 1098

s. 65: Goodman *v.* J. Eban [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581

s. 65 (1): Polak *v.* Marchioness of Winchester [1956] 1 W.L.R. 818

s. 66: *In re* A Solicitor [1953] Ch. 480; [1953] 2 W.L.R. 1098; Polak *v.* Marchioness of Winchester [1956] 1 W.L.R. 818

ss. 68, 81: Polak *v.* Marchioness of Winchester [1956] 1 W.L.R. 818

Rights of Way Act (22 & 23 Geo. 5, c. 45), ss. 1 (1), (6), 2 (1): Fairey *v.* Southampton County Council [1956] 2 Q.B. 439; [1956] 3 W.L.R. 354.

Town and Country Planning Act (22 & 23 Geo. 5, c. 48), s. 10 (3): London County Council *v.* Marks & Spencer [1953] A.C. 535; [1953] 2 W.L.R. 932

1932 **Sunday Entertainments Act** (22 & 23 Geo. 5, c. 51), ss. 3, 5: Barnes *v.* Jarvis [1953] 1 W.L.R. 649

1933 **Evidence (Foreign, Dominion and Colonial Documents) Act** (23 Geo. 5, c. 4): Practice Direction (Foreign Marriages) [1955] 1 W.L.R. 668

Visiting Forces (British Commonwealth) Act (23 & 24 Geo. 5, c. 6), s. 2 (3) (*b*): Reeves *v.* Deane-Freeman [1953] 1 Q.B. 459; [1953] 2 W.L.R. 391

Children and Young Persons Act (23 & 24 Geo. 5, c. 12)—

s. 1: Watson *v.* Nikolaisen [1955] 2 Q.B. 286; [1955] 2 W.L.R. 1187

ss. 35, 44, 57, 61: *In re* Cole [1958] Ch. 877; [1958] 3 W.L.R. 447

ss. 61, 62: Drover *v.* Rugman [1951] 1 K.B. 380; (1950) 66 T.L.R. (Pt. 2) 699; Bowers *v.* Smith [1953] 1 W.L.R. 297

s. 70 (2): Barnsley Corporation *v.* Lancashire County Council [1957] 1 Q.B. 123; [1956] 3 W.L.R. 820

s. 70 (1) (2): Isle of Wight County Council *v.* Warwickshire County Council [1953] 1 Q.B. 553; [1953] 1 W.L.R. 297

s. 76: *In re* Cole [1958] Ch. 877; [1958] 3 W.L.R. 447

s. 76, as amended by Children Act, 1948 (11 & 12 Geo. 6, c. 43), s. 5 (1): R. *v.* Darlington County Borough Juvenile Court. *Ex parte* West Hartlepool Corporation [1957] 1 W.L.R. 363

s. 90 (2): Barnsley Corporation *v.* Lancashire County Council [1957] 1 Q.B. 123; [1956] 3 W.L.R. 820

ss. 90 (2) (3), 102 (1): Isle of Wight County Council *v.* Warwickshire County Council [1953] 1 Q.B. 553; [1953] 1 W.L.R. 297

Sch. I: R. *v.* Moore [1954] 1 W.L.R. 893

London Passenger Transport Act (23 Geo. 5, c. 14)—

s. 15: Smith *v.* London Transport Executive [1951] A.C. 555; [1951] 1 T.L.R. 683

s. 73 (3): Abbott *v.* London County Council [1951] 2 K.B. 907; [1951] 2 T.L.R. 507

s. 80 (9): Abbott *v.* London County Council [1951] 2 K.B. 127; [1951] 1 T.L.R. 844; [1951] 2 K.B. 907; [1951] 2 T.L.R. 507

s. 80 (10) (11): Abbott *v.* London County Council [1951] 2 K.B. 907; [1951] 2 T.L.R. 507

Finance Act (23 & 24 Geo. 5, c. 19), s. 25, Sch. 7, paras. 4 (*e*), 5 (*c*): London County Council *v.* Hay's Wharf Cartage Co. [1953] 1 W.L.R. 677

Pharmacy and Poisons Act (23 & 24 Geo 5, c. 25)—

ss. 17 (1), 18 (1) (*a*) (iii): Pharmaceutical Society of Great Britain *v.* Boots Cash Chemists (Southern) [1953] 1 Q.B. 401; [1953] 2 W.L.R. 427

ss. 18 (1), 19 (1) (5), 24 (1) (2) Reg. *v.* Staincross Justices. *Ex parte* Teasdale [1960] 1 Q.B. 170; [1960] 3 W.L.R. 827

Agricultural Marketing Act (23 & 24 Geo. 5, c. 31)—

s. 19, Sch. 3: Tuker *v.* Ministry of Agriculture, Fisheries and Food [1960] 1 W.L.R. 819

Rent and Mortgage Interest Restrictions (Amendment) Act (23 & 24 Geo. 5, c. 32): Cresswell *v.* Hodgson [1951] 2 K.B. 92; [1951] 1 T.L.R. 414

s. 3: Sills *v.* Watkins [1956] 1 Q.B. 250; [1955] 3 W.L.R. 520; Brown *v.* Davies [1958] 1 Q.B. 117; [1957] 3 W.L.R. 878

s. 3 (1): Emberson *v.* Robinson [1953] 1 W.L.R. 1129; Barnard *v.* Towers [1953] 1 W.L.R. 1203; Newton *v.* Biggs [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203; Beck *v.* Scholz [1953] 1 Q.B. 570; [1953] 2 W.L.R. 651; Drive Yourself Hire Co. *v.* Strutt [1953] 2 W.L.R. 953; [1954] 1 Q.B. 250; [1953] 3 W.L.R. 1111; Cairns *v.* Piper [1954] 2 Q.B. 210; [1954] 3 W.L.R. 250; King *v.* King [1954] 3 W.L.R. 669; Ottway *v.* Jones [1955] 1 W.L.R. 706; Yelland *v.* Taylor [1957] 1 W.L.R. 459; Hardie *v.* Frediani [1958] 1 W.L.R. 318

s. 3 (3) (*b*): Scrace *v.* Windust [1955] 1 W.L.R. 475

s. 6: Court *v.* Robinson [1951] 2 K.B. 60

s. 16: British Land Co. *v.* Herbert Silver (Menswear) [1958] 1 Q.B. 530; [1958] 2 W.L.R. 580

s. 16 (1): Court *v.* Robinson [1951] 2 K.B. 60; Rogers *v.* Hyde [1951] 2 K.B. 923

Sch. 1: Dellenty *v.* Pellow [1951] 2 K.B. 858; [1951] 2 T.L.R. 733; Brown *v.* Davies [1958] 1 Q.B. 117; [1957] 3 W.L.R. 818

Sch. 1 (*a*): R. M. R. Housing Society Ltd. *v.* Combs [1951] 1 K.B. 486; [1951] 1 T.L.R. 1

Sch. 1, paras. (*a*) (*d*): Drive Yourself Hire Co. (London) *v.* Strutt [1954] 1 Q.B. 250; [1953] 2 W.L.R. 953

Sch. 1 (*b*): Yates *v.* Morris [1951] 1 K.B. 77; (1950) 66 T.L.R. (Pt. 2) 707; Ottway *v.* Jones [1955] 1 W.L.R. 706

Sch. 1 (*d*): Regional Properties Co. Ltd. *v.* Frankenschwerth and Chapman [1951] 1 K.B. 631

Sch. 1, para. (*j*): Duncan *v.* Hay [1956] 1 W.L.R. 1329

Sch. 1, para. (*h*): Emberson *v.* Robinson [1953] 1 W.L.R. 1129; Newton *v.* Biggs [1953] 2 Q.B. 211; [1953] 2 W.L.R. 203; Cairns *v.* Piper [1954] 2 Q.B. 210; [1954] 3 W.L.R. 250; King *v.* King [1954] 3 W.L.R. 669; Wright *v.* Walford [1955] 1 Q.B. 363; [1955] 2 W.L.R. 198; Stratford *v.* Syrett [1958] 1 Q.B. 107; [1957] 3 W.L.R. 733; Yelland *v.* Taylor [1957] 1 W.L.R. 459; Hardie *v.* Frediani [1958] 1 W.L.R. 318; Piper *v.* Harvey [1958] 1 Q.B. 439; [1958] 2 W.L.R. 408

1933 **Administration of Justice (Miscellaneous Provisions) Act** (23 & 24 Geo. 5, c. 36), s. 2 (2): R. *v.* Phillips [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868

s. 3: Philipson-Stow *v.* Inland Revenue Commissioners [1959] Ch. 395; [1959] 2 W.L.R. 427

s. 6 (1): Shordiche-Churchward *v.* Cordle [1959] 1 W.L.R. 351

Summary Jurisdiction (Appeals) Act (23 & 24 Geo. 5, c. 38)—

s. 1: Drover *v.* Rugman [1951] 1 K.B. 380; (1950) 66 T.L.R. (Pt. 2) 699

ss. 1, 5: Berry *v.* British Transport Commission [1960] 3 W.L.R. 666

s. 3 (1): R. *v.* County of London Quarter Sessions Appeals Committee. *Ex parte* Rossi [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800

Local Government Act (23 & 24 Geo. 5, c. 51)—

s. 59 (1) (*a*): Lamb *v.* Jeffries [1956] 1 Q.B. 431; [1956] 2 W.L.R. 366

s. 76 (1) and proviso: Brown *v.* Director of Public Prosecutions [1956] 2 Q.B. 369; [1956] 2 W.L.R. 1087; Rands *v.* Oldroyd [1958] 3 W.L.R. 583

ss. 85, 96; Manton *v.* Brighton Corporation [1951] 2 K.B. 393; [1951] 1 T.L.R. 1105

s. 151: West Riding County Council *v.* Huddersfield Corporation [1957] 1 Q.B. 540; [1957] 2 W.L.R. 428

s. 185: East Midlands Gas Board *v.* Doncaster Corporation [1953] 1 W.L.R. 54

s. 187: Grainger *v.* Liverpool Corporation [1954] 1 Q.B. 351; [1954] 2 W.L.R. 275

ss. 226, 228, 229: Pentecost *v.* London District Auditor [1951] 2 K.B. 759; [1951] 2 T.L.R. 497

ss. 229, 230: Dean *v.* District Auditor [1960] 1 Q.B. 149; [1959] 3 W.L.R. 225

s. 249 (4): Morrissey *v.* Galer [1955] 1 W.L.R. 110

s. 266: A. R. Wright & Son *v.* Romford Borough Council [1956] 1 W.L.R. 896

s. 268: *In re* Endacott, decd. Corpe *v.* Endacott [1960] Ch. 232; [1959] 3 W.L.R. 799

Sch. III, Part V, cl. 4: Manton *v.* Brighton Corporation [1951] 2 K.B. 393; [1951] 1 T.L.R. 1105

Road and Rail Traffic Act (23 & 24 Geo. 5, c. 53)—

s. 1: Clarke *v.* Cherry [1953] 1 W.L.R. 268; Sykes *v.* Millington [1953] 1 Q.B. 770; [1953] 2 W.L.R. 973

ss. 2 (4) (5), 9: Lloyd *v.* E. Lee Ltd. [1951] 2 K.B. 121; [1951] 1 T.L.R. 624

s. 9 (1): Davies, Turner & Co. *v.* Brodie [1954] 1 W.L.R. 1364

s. 9 (2): Bryson *v.* Rogers [1956] 2 Q.B. 404; [1956] 3 W.L.R. 495

s. 29 (4): Brownsea Haven Properties *v.* Poole Corporation [1958] Ch. 574; [1958] 2 W.L.R. 137

s. 36 (1): Clarke *v.* Cherry [1953] 1 W.L.R. 268

1934 **Law Reform (Miscellaneous Provisions) Act** (24 & 25 Geo. 5, c. 4)—

s. 1 (1): Kelly *v.* Kelly and Brown [1960] 3 W.L.R. 822

ss. 1 (2), 2 (3): Stanton *v.* Ewart F. Youldon Ltd. [1960] 1 W.L.R. 543

Debts Clearing Offices and Imports Restrictions Act (24 & 25 Geo. 5, c. 31)—

s. 1: Fischler *v.* Administrator of Roumanian Property [1960] 1 W.L.R. 917

Finance Act (24 & 25 Geo. 5, c. 32)—

s. 28: *In re* Parkes' Settlement. Midland Bank Executor and Trustee Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 398; Parker *v.* Lord Advocate [1960] A.C. 608; [1960] 2 W.L.R. 262

Law Reform (Miscellaneous Provisions) Act (24 & 25 Geo. 5, c. 41): Heatley *v.* Steel Co. of Wales [1953] 1 W.L.R. 405; Sheldon *v.* Brown Bayley's Steel Works and Dawnays [1953] 2 Q.B. 393; [1953] 1 W.L.R. 875; Knight *v.* Demolition and Construction Co., Ransom *v.* The Same [1953] 1 W.L.R. 981; Woods *v.* W. H. Rhodes & Son and Mersey Docks and Harbour Board [1953] 1 W.L.R. 1072; Pigney *v.* Pointer's Transport Services [1957] 1 W.L.R. 1121

s. 1: Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265; Harvey *v.* R. A. O'Dell [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473

s. 1 (1): Dean *v.* Wiesengrund [1955] 2 Q.B. 120; [1955] 2 W.L.R. 1171; Mosey *v.* Mosey and Barker [1955] 2 W.L.R. 1118; Sugden *v.* Sugden [1956] 3 W.L.R. 1010; [1957] P. 120; [1957] 2 W.L.R. 211

s. 1 (1) (3): Airey *v.* Airey [1958] 2 Q.B. 300; [1958] 1 W.L.R. 729

s. 3: *In re* Fine Industrial Commodities [1956] Ch. 256; [1955] 3 W.L.R. 940; Western United Investment Co. *v.* Inland Revenue Commissioners [1958] Ch. 392; [1958] 2 W.L.R. 192

s. 3 (1): The Norseman [1957] P. 224; [1957] 3 W.L.R. 263; Carr *v.* Boxall [1960] 1 W.L.R. 314

Road Traffic Act (24 & 25 Geo. 5, c. 50)—

s. 1: Gibbins *v.* Skinner [1951] 2 K.B. 379; [1951] 1 T.L.R. 1159

s. 3: Gaynor *v.* Allen [1959] 2 Q.B. 403; [1959] 3 W.L.R. 221

s. 8: Vinall *v.* Howard [1953] 1 W.L.R. 987

s. 8 (1): Vinall *v.* Howard [1954] 1 Q.B. 375; [1954] 2 W.L.R. 314

s. 25: Wurzal *v.* Dowker [1954] 1 Q.B. 52; [1953] 2 W.L.R. 1196

s. 25 (1): Victoria Motors (Scarborough) Ltd. *v.* Wurzal [1951] 2 K.B. 520; [1951] 1 T.L.R. 837

s. 25 (1) (*a*) (*b*) (*c*) (*d*) (*e*) (*f*) (*g*): Reynolds *v.* G. H. Austin & Sons Ltd. [1951] 2 K.B. 135; [1951] 1 T.L.R. 614

s. 34: *In re* Shipton [1957] 1 W.L.R. 259

ss. 36, 49: Gibbins *v.* Skinner [1951] 2 K.B. 379; [1951] 1 T.L.R. 1159

1934 **County Courts Act** (24 & 25 Geo. 5, c. 53)—
- s. 1 (4): Patterson *v.* Ellis [1957] 1 W.L.R. 857
- s. 40: Lea *v.* Moore [1955] 1 W.L.R. 38
- ss. 40, 41: Leslie *v.* Liverpool Corpn. [1960] 1 W.L.R. 1
- s. 43: R. *v.* Judge Willes, *Ex parte* Abbey National Building Society [1954] 1 W.L.R. 136; Lea *v.* Moore [1955] 1 W.L.R. 38
- ss. 43, 45, 65: Williams *v.* Settle [1960] 1 W.L.R. 1072
- s. 44, as substituted by the County Courts Act, 1955 (4 Eliz. 2, c. 8), Sch. 1, Part I, para. 3: Patterson *v.* Ellis [1957] 1 W.L.R. 857
- s. 44: Turner *v.* Jacaranda Clubs [1953] 1 W.L.R. 961
- s. 46: Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435
- s. 47: Turner *v.* Jacaranda Clubs [1953] 1 W.L.R. 961
- s. 47 (1): Hopkins *v.* Rees & Kirby Ltd. [1959] 1 W.L.R. 740
- s. 48: R. *v.* Judge Dutton Briant [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249
- s. 51: Lea *v.* Moore [1955] 1 W.L.R. 38
- s. 52 (1) (*c*) (as amended): R. *v.* Judge Dutton Briant [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249
- s. 53: R. *v.* Judge Willes, *Ex parte* Abbey National Building Society [1954] 1 W.L.R. 136
- s. 89 (1) (3): Meyer *v.* Leanse [1958] 2 Q.B. 371; [1958] 3 W.L.R. 518
- s. 89 (3): Trayfoot *v.* Lock [1957] 1 W.L.R. 351; Perry *v.* Stopher [1959] 1 W.L.R. 415
- s. 90: Butler *v.* Hudson [1953] 2 Q.B. 407; [1953] 3 W.L.R. 227
- s. 95: R. *v.* Judge Sir Shirley Worthington-Evans. *Ex parte* Madan [1959] 1 Q.B. 145; [1959] 2 W.L.R. 908
- s. 100: Clarke *v.* E. R. Wright & Son (A Firm) [1957] 1 W.L.R. 1191
- s. 105: Grimshaw *v.* Dunbar [1953] 1 Q.B. 408; [1953] 2 W.L.R. 332; Lloyds Bank *v.* Jones [1955] 2 Q.B. 298; [1955] 3 W.L.R. 5; *In re* B., An Infant [1958] 1 Q.B. 12; [1957] 3 W.L.R. 558
- s. 136 (1) (2): London County Council *v.* Marks [1959] Ch. 239; [1959] 2 W.L.R. 17
- s. 164 (3): Cross *v.* Edey [1958] 1 Q.B. 288; [1958] 2 W.L.R. 92

Betting and Lotteries Act (24 & 25 Geo. 5, c. 58)—
- s. 13 (1) (2): Green *v.* Portsmouth Stadium [1953] 2 Q.B. 190; [1953] 1 W.L.R. 487; [1953] 2 W.L.R. 1206
- s. 18 (5): Racecourse Betting Control Board *v.* Young (Inspector of Taxes) [1958] 1 W.L.R. 123, 705; [1959] 1 W.L.R. 813
- s. 21: Sales-Matic Ltd. *v.* Hinchliffe [1959] 1 W.L.R. 1005
- ss. 21, 22: Smith *v.* Wyles [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528
- s. 22 (1) (*a*) (*b*): McKay *v.* Gillies [1956] 1 W.L.R. 1402
- s. 24 (1): Maynard *v.* Williams [1955] 1 W.L.R. 54; Pearse *v.* Hart [1955] 1 W.L.R. 67
- s. 30 (3): McKay *v.* Gillies [1956] 1 W.L.R. 1402

1935 **Increase of Rent and Mortgage Interest (Restrictions) Act** (25 Geo. 5, c. 13)—
- s. 1: Langdon *v.* Horton [1951] 1 K.B. 666; [1951] 1 T.L.R. 238

Finance Act (25 & 26 Geo. 5, c. 24)—
- s. 15: R. *v.* Morris [1951] 1 K.B. 394; (1950) 66 T.L.R. (Pt. 2) 1050

Law Reform (Married Women and Tortfeasors) Act (25 & 26 Geo. 5, c. 30)—
- ss. 1, 5: Broom *v.* Morgan [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737
- s. 6 (1) (*c*): Morgan *v.* Ashmore, Benson, Pease & Co. and Samuel Fox & Co. [1953] 1 W.L.R. 418; Littlewood *v.* George Wimpey & Co. and British Overseas Airways Corporation [1953] 2 Q.B. 501; [1953] 1 W.L.R. 426; [1953] 3 W.L.R. 553; George Wimpey & Co. *v.* British Overseas Airways Corporation [1954] 3 W.L.R. 932; Harvey *v.* R. G. O'Dell. Galway (Third Party) [1958] 2 Q.B. 78; [1958] 2 W.L.R. 473
- s. 6 (1) (2): Romford Ice and Cold Storage Co. *v.* Lister [1956] 2 Q.B. 180; [1955] 3 W.L.R. 631; Lister *v.* Romford Ice and Cold Storage Co. [1957] A.C. 555; [1957] 2 W.L.R. 158
- Sch.: Broom *v.* Morgan [1953] 1 Q.B. 597; [1953] 2 W.L.R. 737

Money Payments (Justices Procedure) Act (25 & 26 Geo. 5, c. 46)—
- s. 11: R. *v.* Governor of H.M. Bedford Prison, *Ex parte* Ames [1953] 1 W.L.R. 607

Exeter Corporation Act (25 & 26 Geo. 5, c. cii), s. 112 (1): British Electricity Authority *v.* Exeter Corporation [1953] 1 W.L.R. 355

1936 **Finance Act** (26 Geo. 5 & 1 Edw. 8, c. 34)—
- s. 18: Earl Beatty *v.* Inland Revenue Commissioners [1953] 1 W.L.R. 1090
- s. 18 (1) (2): Bambridge *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1265, 1460; [1955] 1 W.L.R. 1329
- s. 19 (1) (*a*): Inland Revenue Comrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414
- s. 19 (4): Inland Revenue Commissioners *v.* Thornton Kelley & Co. [1957] 1 W.L.R. 482
- s. 20 (1): Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842
- s. 21: Yates (Inspector of Taxes) *v.* Starkey [1951] Ch. 45; (1950) 66 T.L.R. (Pt. 2) 443; [1951] Ch. 465; [1951] 1 T.L.R. 661; Thomas *v.* Marshall [1953] A.C. 543; [1953] 2 W.L.R. 944
- s. 21 (1) (9): Inland Revenue Commissioners *v.* Buchanan [1958] Ch. 289; [1957] 3 W.L.R. 68
- s. 22: North Central Wagon and Finance Co. *v.* A. W. Fifield [1953] 1 W.L.R. 610

1936 **Tithe Act** (26 Geo. 5 & 1 Edw. 8, c. 43), ss. 10, 17 (1) (3): Tithe Redemption Committee *v.* Runcorn Urban District Council [1953] 3 W.L.R. 845; [1954] Ch. 383; [1954] 2 W.L.R. 518

Public Health Act (26 Geo. 5 & 1 Edw. 8, c. 49)—
- s. 24 (1) (3): Great Yarmouth Corporation *v.* Gibson [1956] 1 Q.B. 573; [1956] 2 W.L.R. 356
- s. 31: Smeaton *v.* Ilford Corporation [1954] Ch. 450; [1954] 2 W.L.R. 668
- s. 56 (1): Bursted Properties *v.* Denton Urban District Council [1955] 1 W.L.R. 82
- s. 65 (1) (3) (4): Nalder *v.* Ilford Corporation [1951] 1 K.B. 822; 66 T.L.R. (Pt. 2) 949
- s. 75 (1) (3): Peterborough Corporation *v.* Holdich [1956] 1 Q.B. 124; [1955] 3 W.L.R. 626
- s. 92: Neath Rural District Council *v.* Williams [1951] 1 K.B. 115; 66 T.L.R. (Pt. 2) 539; Morrissey *v.* Galer [1955] 1 W.L.R. 110
- s. 93: Neath Rural District Council *v.* Williams [1951] 1 K.B. 115; 66 T.L.R. (Pt. 2) 539
- ss. 103, 106: Nottingham No. 1 Area Hospital Management Committee *v.* Owen [1958] 1 Q.B. 50; [1957] 3 W.L.R. 707
- s. 129: Sowerby Bridge Urban District Council *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1
- s. 154: Daly *v.* Cannon [1954] 1 W.L.R. 261
- s. 206 (1) (3): Wallbridge *v.* Dorset County Council [1954] Ch. 659; [1954] 2 W.L.R. 1068
- s. 259: Neath Rural District Council *v.* Williams [1951] 1 K.B. 115; 66 T.L.R. (Pt. 2) 539
- s. 293: Great Yarmouth Corporation *v.* Gibson [1956] 1 Q.B. 573; [1956] 2 W.L.R. 356
- s. 300: R. *v.* Lancaster Quarter Sessions. *Ex parte* Huyton-with-Roby Urban District Council [1955] 1 Q.B. 52; [1954] 3 W.L.R. 597
- s. 300 (1) (3): Nalder *v.* Ilford Corporation [1951] 1 K.B. 822; (1950) 66 T.L.R. (Pt. 2) 949
- s. 301: R. *v.* Surrey Quarter Sessions. *Ex parte* Lilley [1951] 2 K.B. 749; [1951] 2 T.L.R. 546; R. *v.* Lancaster Quarter Sessions [1955] 1 Q.B. 52; [1954] 3 W.L.R. 597
- s. 328: Sowerby Bridge Urban District Council *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1
- s. 343 (1): Nalder *v.* Ilford Corporation [1951] 1 K.B. 822; 66 T.L.R. (Pt. 2) 949

Public Health (London) Act (26 Geo. 5 & 1 Edw. 8, c. 50)—
- ss. 1, 5 (1) (*a*): William Cory & Sons Ltd. *v.* London Corporation [1951] 2 K.B. 476; [1951] 2 T.L.R. 174
- s. 82 (1) (*a*): Springett *v.* Harold [1954] 1 W.L.R. 521
- s. 84: William Cory & Sons Ltd. *v.* London Corporation [1951] 2 K.B. 476; [1951] 2 T.L.R. 174
- Sch. 5: Marela Ltd. *v.* Machorowski [1953] 1 Q.B. 565; [1953] 2 W.L.R. 831

Housing Act (26 Geo. 5 & 1 Edw. 8, c. 51)—
- s. 9: Leslie Maurice & Co. *v.* Willesden Corporation [1953] 2 Q.B. 1; [1953] 2 W.L.R. 892
- s. 12 (2): Critchell *v.* Lambeth Borough Council [1957] 2 Q.B. 535; [1957] 3 W.L.R. 108; London Hospital Governors *v.* Jacobs [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102
- ss. 59 (3), 61, 65: Zbytniewski *v.* Broughton [1956] 2 Q.B. 673; [1956] 3 W.L.R. 630
- s. 71: Watson *v.* Minister of Local Government and Planning [1951] 2 K.B. 779; [1951] 2 T.L.R. 503
- ss. 72, 73, 79 (4): Attridge *v.* London County Council [1954] 2 Q.B. 449; [1954] 3 W.L.R. 70
- s. 83: Summerfield *v.* Hampstead Borough Council [1957] 1 W.L.R. 167
- ss. 83 (1), 85 (5) (6): Smith *v.* Cardiff Corporation (No. 2) [1955] Ch. 159; [1955] 2 W.L.R. 126
- s. 85 (6): Bathavon Rural District Council *v.* Carlile [1958] 1 Q.B. 461; [1958] 2 W.L.R. 545
- s. 115 (2): Fawcett Properties *v.* Buckingham County Council [1960] 3 W.L.R. 831; [1959] Ch. 543; [1959] 2 W.L.R. 884
- s. 156 (1) (*e*): Marela Ltd. *v.* Machorowski [1953] 1 Q.B. 565; [1953] 2 W.L.R. 831
- s. 188: Guinness Trust (London Fund) Founded 1890, Registered 1902 *v.* Green [1955] 1 W.L.R. 872
- s. 188 (1): Nalder *v.* Ilford Corporation [1951] 1 K.B. 822; (1950) 66 T.L.R. (Pt. 2) 949

Manchester Ship Canal Act (26 Geo. 5 & 1 Edw. 8, c. cxxiv)—
- s. 32 (1) (2): Stonedale No. 1 (Owners) *v.* Manchester Ship Canal Co. The Stonedale No. 1 [1953] 1 W.L.R. 1241; [1954] P. 338; [1954] 2 W.L.R. 1075; [1955] 3 W.L.R. 204

Finance Act (26 Geo. 5 & 1 Edw. 8, c. 34)—
- s. 4 (7): Morton *v.* Chaney [1960] 1 W.L.R. 1312
- ss. 19 (1), 32 (1): Moore *v.* Gooderham [1960] 1 W.L.R. 1308

1937 **Firearms Act** (1 Edw. 8 & 1 Geo. 6, c. 12)—
- s. 23 (2): R. *v.* Harris [1951] 1 K.B. 107; (1951) 66 T.L.R. (Pt. 2) 739

- 1937 **Public Health (Drainage of Trade Premises) Act** (1 Edw. 8 & 1 Geo. 6, c. 40), ss. 2 (1) (2), 4 (1), 14 (1): Yorkshire Dyeing and Proofing Co. *v.* Middleton Council [1958] 1 W.L.R. 393
- **Physical Training and Recreation Act** (1 Edw. 8 & 1 Geo. 6, c. 46), s. 4: *In re* Endacott, decd. Corpe *v.* Endacott [1960] Ch. 232; [1959] 3 W.L.R. 799
- **Finance Act** (1 Edw. 8 & 1 Geo. 6, c. 54)—
  - s. 14 (1): Inland Revenue Comrs. *v.* Harton Coal Co. Ltd. [1960] Ch. 563; [1960] 3 W.L.R. 414
  - s. 19: Heelex Investments *v.* Inland Revenue Commissioners [1955] 1 W.L.R. 289
  - ss. 19 (1), 20 (1): Inland Revenue Commissioners *v.* Pullman Car Co. [1954] 1 W.L.R. 1029
  - s. 19 (4), sch. 4, para. 7 (1A): Henry Briggs, Son & Co. Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 532
  - s. 22: Gahan *v.* Chloride Batteries [1955] 1 W.L.R. 277; Chloride Batteries *v.* Gahan (Inspector of Taxes) [1956] 1 W.L.R. 391
  - s. 22 (1) (2): Heelex Investments *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1368; Heelex Investments *v.* Inland Revenue Commissioners [1955] 1 W.L.R. 289
  - Sch. IV, para. 4: Inland Revenue Commissioners *v.* Pullman Car Co. [1954] 1 W.L.R. 1029
  - Sch. IV, para. 7: Inland Revenue Commissioners *v.* The Butterley Co. [1954] 1 W.L.R. 1199; [1955] Ch. 453; [1955] 2 W.L.R. 785; [1957] A.C. 32; [1956] 2 W.L.R. 1101
  - Sch. IV, para. 11: Inland Revenue Commissioners *v.* Silverts Ltd. [1951] Ch. 521; [1951] 1 T.L.R. 593; S. Berendsen *v.* Inland Revenue Commissioners [1957] 2 W.L.R. 447; [1957] 3 W.L.R. 164
- **Matrimonial Causes Act** (1 Edw. 8 & 1 Geo. 6, c. 57)—
  - s. 2: Crowther *v.* Crowther [1951] A.C. 723; [1951] 1 T.L.R. 1149
  - ss. 2 (*d*), 3: Frank *v.* Frank [1951] P. 430; [1951] 2 T.L.R. 404
  - s. 9: Jeffrey *v.* Jeffrey [1951] P. 32; 66 T.L.R. (Pt. 2) 294
  - s. 10 (4): Yates (Inspector of Taxes) *v.* Starkey [1951] Ch. 45; 66 T.L.R. (Pt. 2) 443; [1951] Ch. 465; [1951] 1 T.L.R. 661
  - s. 11: Brown *v.* Brown [1956] P. 438; [1956] 2 W.L.R. 1000; Jenkins *v.* Jenkins [1956] P. 458; [1956] 3 W.L.R. 262
  - s. 13: Hopkins *v.* Hopkins [1951] P. 116; (1950) 66 T.L.R. (Pt. 2) 896; Travers *v.* Holley [1953] P. 246; [1953] 3 W.L.R. 507
- **Factories Act** (1 Edw. 8 & 1 Geo. 6, c. 67)—
  - s. 4 (1): Coote *v.* Eastern Gas Board [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592; Brophy *v.* J. C. Bradfield & Co. [1955] 1 W.L.R. 1148; Graham *v.* Co-operative Wholesale Society [1957] 1 W.L.R. 511
  - ss. 12, 13: Cummings *v.* Richard Thomas & Baldwins [1953] 2 Q.B. 95; [1953] 2 W.L.R. 1104; Richard Thomas & Baldwins *v.* Cummings [1955] A.C. 321; [1955] 2 W.L.R. 293
  - s. 13 (1): Burns *v.* Joseph Terry & Sons Ltd. [1951] 1 K.B. 454; [1951] 1 T.L.R. 349; Hodkinson *v.* H. Wallwork & Co. [1955] 1 W.L.R. 1195
  - s. 14: Thurogood *v.* Van Den Berghs & Jurgens [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; Dickson *v.* Flack [1953] 2 Q.B. 464; [1953] 1 W.L.R. 196; [1953] 3 W.L.R. 571; Smith *v.* Chesterfield and District Co-operative Society [1953] 1 W.L.R. 370; Charles *v.* S. Smith & Sons (England) [1954] 1 W.L.R. 451; Richard Thomas & Baldwins *v.* Cummings [1955] A.C. 321; [1955] 2 W.L.R. 293; Rutherford *v.* R. E. Glanville & Sons (Bovey Tracey) [1958] 1 W.L.R. 415
  - s. 14 (1): Pugh *v.* Manchester Dry Docks Co. [1954] 1 W.L.R. 389; Frost *v.* John Summers & Sons [1954] 2 Q.B. 21; [1954] 2 W.L.R. 794; Stringer *v.* Automatic Woodturning Co. [1955] 1 W.L.R. 971; [1956] 1 W.L.R. 138; Williams *v.* Sykes & Harrison [1955] 1 W.L.R. 1180; Kilogallan *v.* William Cooke & Co. [1956] 1 W.L.R. 527; Quinn *v.* Horsfall and Bickham [1956] 1 W.L.R. 264, 652; Morris Motors *v.* Hopgood [1957] 1 Q.B. 30; [1956] 3 W.L.R. 767; Automatic Woodturning Co. *v.* Stringer [1957] A.C. 544; [1957] 2 W.L.R. 203; Lewis *v.* High Duty Alloys [1957] 1 W.L.R. 632; Carrington *v.* John Summers & Sons [1957] 1 W.L.R. 504; Hoare *v.* M. & W. Grazebrook [1957] 1 W.L.R. 638; Napieralski *v.* Curtis (Contractors) [1959] 1 W.L.R. 835; Dunn *v.* Birds Eye Foods [1959] 2 Q.B. 265; [1959] 2 W.L.R. 812; Cherry *v.* International Alloys Ltd. [1960] 3 W.L.R. 563; Close *v.* Steel Co. of Wales Ltd. [1960] 2 Q.B. 299; [1960] 3 W.L.R. 401; Quintas *v.* National Smelting Co. Ltd. [1960] 1 W.L.R. 217; Rushton *v.* Turner Brothers Asbestos Co. Ltd. [1960] 1 W.L.R. 96
  - s. 14 (1) (3): Bullock *v.* G. John Power (Agencies) [1956] 1 W.L.R. 171
  - s. 16: Cummings *v.* Richard Thomas & Baldwins [1953] 2 Q.B. 95; [1953] 2 W.L.R. 1104; Charles *v.* S. Smith & Sons (England) [1954] 1 W.L.R. 451; Richard Thomas & Baldwins *v.* Cummings [1955] A.C. 321; [1955] 2 W.L.R. 293; Rutherford *v.* R. E. Glanville & Sons (Bovey Tracey) [1958] 1 W.L.R. 415
  - s. 20 (2) (*b*): Ackland & Pratten Ltd. (In Liquidation) *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1117
  - ss. 22 (1), 25 (1), 152; Hamilton *v.* National Coal Board [1960] A.C. 633; [1960] 2 W.L.R. 313
  - s. 22 (3): Blakeley *v.* C. & H. Clothing Co. (A Firm) [1958] 1 W.L.R. 378
  - ss. 23, 24: Gledhill *v.* Liverpool Abattoir Utility Co. [1957] 1 W.L.R. 1028

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s. 23 (1) (*a*): Beadsley *v.* United Steel Companies Ltd. [1951] 1 K.B. 408; 66 T.L.R. (Pt. 2) 902

s. 24 (7): Carrington *v.* John Summers & Sons [1957] 1 W.L.R. 613

s. 25 (1): Davies *v.* De Havilland Aircraft Co. Ltd. [1951] 1 K.B. 50; Latimer *v.* A. E. C. [1953] A.C. 643; [1953] 3 W.L.R. 259; Payne *v.* Weldless Steel Tube Co. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771

s. 25 (2): Harris *v.* Rugby Portland Cement Co. [1955] 1 W.L.R. 648; Corn *v.* Weir's (Glass) Ltd. [1960] 1 W.L.R. 577; Kimpton *v.* Steel Co. of Wales Ltd. [1960] 1 W.L.R. 527

s. 25 (3): Bath *v.* British Transport Commission [1954] 1 W.L.R. 1013; Harrison *v.* Metropolitan-Vickers Electrical Co. [1954] 1 W.L.R. 324; Tate *v.* Swan Hunter & Wigham Richardson [1958] 1 W.L.R. 39

s. 26: Levesley *v.* Thomas Firth & John Brown [1953] 1 W.L.R. 1206; Latimer *v.* A. E. C. [1953] A.C. 643; [1953] 3 W.L.R. 259; Thomas *v.* Bristol Aeroplane Co. [1954] 1 W.L.R. 694

s. 26 (1): Davies *v.* De Havilland Aircraft Co. Ltd. [1951] 1 K.B. 50; Bath *v.* British Transport Commission [1954] 1 W.L.R. 1013; Payne *v.* Weldless Steel Tube Co. [1956] 1 Q.B. 196; [1955] 3 W.L.R. 771

s. 42: Clifford *v.* Charles H. Challen & Son Ltd. [1951] 1 K.B. 495; [1951] 1 T.L.R. 234

s. 47 (1): Adsett *v.* K. and L. Steelfounders and Engineers [1953] 1 W.L.R. 137, 773; Coote *v.* Eastern Gas Board [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592; Crookall *v.* Vickers-Armstrong [1955] 1 W.L.R. 659; Gregson *v.* Hick Hargreaves & Co. [1955] 1 W.L.R. 1025; Richards *v.* Highways Iron Founders (West Bromwich) [1955] 1 W.L.R. 1049; [1957] 1 W.L.R. 781; Brophy *v.* J. C. Bradfield & Co. [1955] 1 W.L.R. 1148; Gregson *v.* Hick Hargreaves & Co. [1955] 1 W.L.R. 1252; Graham *v.* Co-operative Wholesale Society [1957] 1 W.L.R. 511

s. 49: Rees *v.* Bernard Hastie & Co. [1953] 1 Q.B. 328; [1953] 2 W.L.R. 288; Whalley *v.* Briggs Motor Bodies [1954] 1 W.L.R. 840; Daniels *v.* Ford Motor Co. [1955] 1 W.L.R. 76; Nolan *v.* Dental Manufacturing Co. [1958] 1 W.L.R. 936

s. 60: Hartley *v.* Mayoh & Co. [1954] 1 Q.B. 383; [1954] 1 W.L.R. 355; Bryers *v.* Canadian Pacific Steamships [1956] 1 W.L.R. 1182; [1957] 1 Q.B. 134; [1956] 3 W.L.R. 767, 776; Massey-Harris-Ferguson (Manufacturing) *v.* Piper [1956] 2 Q.B. 396; Canadian Pacific Steamships *v.* Bryers [1958] A.C. 485; [1957] 3 W.L.R. 993; Herbert *v.* Harold Shaw [1959] 2 Q.B. 138; [1959] 2 W.L.R. 681

s. 60 (1): Napieralski *v.* Curtis (Contractors) [1959] 1 W.L.R. 835

s. 119: Charles *v.* S. Smith & Sons (England) [1954] 1 W.L.R. 451

s. 133: Stanton Ironworks Co. *v.* Skipper [1956] 1 Q.B. 255; [1955] 3 W.L.R. 752; Dunn *v.* Birds Eye Foods [1959] 2 Q.B. 265; [1959] 2 W.L.R. 812

s. 139: Whalley *v.* Briggs Motor Bodies [1954] 1 W.L.R. 840

s. 151 (1): Pullin *v.* Prison Commissioners [1957] 1 W.L.R. 1186

s. 151 (1) (vi): Jones *v.* Crosville Motor Services [1956] 1 W.L.R. 1425

s. 151 (1) (6): Thurogood *v.* Van Den Berghs & Jurgens Ltd. [1951] 2 K.B. 537; [1951] 1 T.L.R. 557; Thomas *v.* British Thomson-Houston Co. [1953] 1 W.L.R. 67; Luttman *v.* Imperial Chemical Industries [1955] 1 W.L.R. 980; Walsh *v.* Allweather Mechanical Grouting Co. [1959] 2 Q.B. 300; [1959] 3 W.L.R. 1

s. 151 (1) (6) (9): Longhurst *v.* Guildford, Godalming and District Water Board [1960] 3 W.L.R. 1059, C.A.; [1960] 2 Q.B. 265; [1960] 2 W.L.R. 383

s. 152 (1): Dunn *v.* Birds Eye Foods [1959] 2 Q.B. 265; [1959] 2 W.L.R. 812

Local Government Superannuation Act (1 Edw. 8 & 1 Geo. 6, c. 68), ss. 8, 35: Walter *v.* Eton Rural District Council [1951] 1 K.B. 84; 66 T.L.R. (Pt. 2) 511

1938 **Cinematograph Films Act** (1 & 2 Geo. 6, c. 17), ss. 23, 24, 25, 31, 44: *In re* F. G. (Films) [1953] 1 W.L.R. 483

Trade Marks Act (1 & 2 Geo. 6, c. 22)—

s. 2: R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1955] 3 W.L.R. 789

s. 4 (1): M. Ravok (Weatherwear) *v.* National Trade Press [1955] 1 Q.B. 554; [1955] 2 W.L.R. 583; Baume & Co. *v.* A. H. Moore [1958] Ch. 507; [1958] 2 W.L.R. 797

ss. 7, 8: R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789

s. 8: Baume & Co. *v.* A. H. Moore [1958] Ch. 507; [1958] 2 W.L.R. 797

s. 8 (*a*): Baume & Co. *v.* A. H. Moore [1958] Ch. 137; [1957] 3 W.L.R. 870

s. 9: Yorkshire Copper Works *v.* Registrar of Trade Marks [1954] 1 W.L.R. 554; Electrix *v.* Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503

s. 10: Electrix *v.* Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503

s. 11: *In re* Vitamins' Application [1956] 1 W.L.R. 1

s. 12 (2): Electrix *v.* Electrolux [1960] A.C. 722; [1959] 3 W.L.R. 503

s. 22: R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789

s. 32 (1): *In re* Wheatcroft Bros. Trade Marks [1954] Ch. 210; [1954] 1 W.L.R. 116

s. 68 (2): M. Ravok (Weatherwear) *v.* National Trade Press [1955] 1 Q.B. 554; [1955] 2 W.L.R. 583

Increase of Rent and Mortgage Interest Restrictions Act (1 & 2 Geo. 6, c. 26)—

s. 7 (6): Temple *v.* Lewis [1953] 3 W.L.R. 762

1938 **Evidence Act** (1 & 2 Geo. 6, c. 28): Practice Note (Evidence; Ship's Log) [1953] 1 W.L.R. 262

s. 1: Ozzard-Low *v.* Ozzard-Low and Wonham [1953] P. 272; [1953] 3 W.L.R. 374: Bowskill *v.* Dawson, National Provincial Bank *v.* Dawson [1954] 1 Q.B. 288; [1953] 3 W.L.R. 969; Galler *v.* Galler [1955] 1 W.L.R. 400

s. 1 (1) (3): Jarman *v.* Lambert & Cooke Contractors Ltd. [1951] 2 K.B. 937; [1951] 1 T.L.R. 117; Cartwright *v.* W. Richardson & Co. [1955] 1 W.L.R. 340; Kelleher *v.* T. Wall & Sons [1958] 2 Q.B. 346; [1958] 3 W.L.R. 236

s. 1 (3) (4): In the Estate of Powe, decd., Powe *v.* Barclays Bank (Powe cited) [1956] P. 110; [1955] 3 W.L.R. 767

s. 2: Ozzard-Low *v.* Ozzard-Low and Wonham [1953] P. 272; [1953] 3 W.L.R. 374

s. 2 (1): Jarman *v.* Lambert & Cooke Contractors Ltd. [1951] 2 K.B. 937; [1951] 2 T.L.R. 117

Leasehold Property (Repairs) Act (1 & 2 Geo. 6, c. 34)—

s. 1: Church Commissioners for England *v.* Ve-Ri-Best Manufacturing Co. [1957] 1 Q.B. 238; [1956] 3 W.L.R. 990; Kanda *v.* Church Commissioners for England [1958] 1 Q.B. 332; [1957] 3 W.L.R. 353; Baker *v.* Sims [1959] 1 Q.B. 114; [1958] 3 W.L.R. 546; Cusack-Smith *v.* Gold [1958] 1 W.L.R. 611

s. 1 (1) (as amended by the Landlord and Tenant Act, 1954 (2 & 3 Eliz. 2, c. 56), s. 51): Silvester *v.* Ostrowska [1959] 1 W.L.R. 1060

s. 1 (1) (5) (as amended by the Landlord and Tenant Act, 1954 (2 & 3 Eliz. 2, c. 56), s. 5): Phillips *v.* Price [1958] 3 W.L.R. 616

Inheritance (Family Provision) Act (1 & 2 Geo. 6, c. 45): In re Watkins, decd., Watkins *v.* Watkins [1953] 1 W.L.R. 1323. Practice Note (Family Provision) [1954] 1 W.L.R. 778; *In re* Bone, decd., Bone *v.* Midland Bank [1955] 1 W.L.R. 703; *In re* Makein, decd., Makein *v.* Makein [1955] Ch. 194; [1955] 2 W.L.R. 43; *In re* Riglar, decd. [1956] 1 W.L.R. 1414; *In re* Trott, decd. [1958] 1 W.L.R. 604

s. 1: *In re* Bates, decd., Bates *v.* Rodway [1953] 1 W.L.R. 276; *In re* Howell, Howell *v.* Lloyds Bank [1953] 1 W.L.R. 1034

s. 1 (1) (*b*): *In re* Andrews, decd., Andrews *v.* Smorfitt [1955] 1 W.L.R. 1105

s. 1 (7): *In re* Smallwood, decd. Smallwood *v.* Martins Bank Ltd. [1951] Ch. 369; [1951] 1 T.L.R. 331

s. 2 (1) (1A): *In re* Greaves, decd. Greaves *v.* Greaves [1954] 1 W.L.R. 760

Finance Act (1 & 2 Geo. 6, c. 46)—

s. 38 (1): Inland Revenue Commissioners *v.* Nicolson and Bartlett [1953] 1 W.L.R. 809

s. 38 (2): Inland Revenue Commissioners *v.* Kenmare [1955] 3 W.L.R. 922; [1956] Ch. 483; [1956] 3 W.L.R. 527; Saunders *v.* Inland Revenue Commissioners [1955] 3 W.L.R. 930; [1956] Ch. 509; [1956] 3 W.L.R. 547, 981; Inland Revenue Commissioners *v.* Saunders [1958] A.C. 285; [1957] 3 W.L.R. 474

ss. 40 (1) (3) (5), 41 (4) (*e*): Potts' Executors *v.* Inland Revenue Commissioners [1951] A.C. 443; [1951] 1 T.L.R. 152

s. 50: Escoigne Properties *v.* Inland Revenue Commissioners [1957] 1 W.L.R. 174; [1958] A.C. 549; [1958] 2 W.L.R. 336

s. 50 (1): Escoigne Properties *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 1414

Sch. III, Pt. I: Inland Revenue Commissioners *v.* Kenmare [1956] Ch. 483; [1956] 3 W.L.R. 527; Kenmare *v.* Inland Revenue Commissioners [1958] A.C. 267; [1957] 3 W.L.R. 461

Hire-Purchase Act (1 & 2 Geo. 6, c. 53)—

s. 2 (2): Eastern Distributors *v.* Goldring (Murphy, Third Party) [1957] 2 Q.B. 600; [1957] 3 W.L.R. 237

ss. 4, 5 (*c*): United Dominions Trust *v.* Bycroft [1954] 1 W.L.R. 1345

s. 8 (2) (3): Samson *v.* Samson [1960] 1 W.L.R. 190

s. 12 (1) (2): United Motor Finance Corporation *v.* Turner [1956] 2 Q.B. 32; [1956] 2 W.L.R. 730

s. 17: Eastern Distributors Ltd. *v.* Goldring (Murphy, Third Party) [1957] 2 Q.B. 600; [1957] 3 W.L.R. 237

s. 21: R. *v.* R. W. Proffitt [1954] 2 Q.B. 35; [1954] 2 W.L.R. 1001

Food and Drugs Act (1 & 2 Geo. 6, c. 56)—

s. 3: Evans *v.* Jones [1953] 1 W.L.R. 1056; Turner & Son *v.* Owen [1955] A.C. 130; [1955] 3 W.L.R. 700

s. 3 (1): Moore *v.* Ray [1951] 1 K.B. 98; (1950) 66 T.L.R. (Pt. 2) 721

s. 9 (1): J. Miller *v.* Battersea Borough Council [1956] 1 Q.B. 43; [1955] 3 W.L.R. 559; Turner & Son *v.* Owen [1956] 1 Q.B. 48; [1955] 3 W.L.R. 700

s. 9 (2): Fisher *v.* Barnett & Pomeroy (Bakers) [1954] 1 W.L.R. 351

s. 10: R. *v.* Cornwall Quarter Sessions. *Ex parte* Kerley [1956] 1 W.L.R. 906

s. 81 (1): Preston *v.* Fennell [1951] 1 K.B. 16

s. 83: Moore *v.* Ray [1951] 1 K.B. 98; (1950) 66 T.L.R. (Pt. 2) 721

s. 83 (3): Challand *v.* Bartlett [1953] 1 W.L.R. 1105; Fisher *v.* Yardley's London and Provincial Stores, Same *v.* Santovin [1953] 2 Q.B. 266; [1953] 3 W.L.R. 469

Administration of Justice (Miscellaneous Provisions) Act (1 & 2 Geo. 6, c. 63)—

s. 7 (2): *Ex parte* Fry [1954] 1 W.L.R. 730

s. 11 (3): R. *v.* Oliver [1958] 1 Q.B. 250; [1957] 3 W.L.R. 1078

1939 **Prevention of Fraud (Investments) Act** (2 & 3 Geo. 6, c. 16)—

s. 12 (1): R. *v.* Russell [1953] 1 W.L.R. 77; R. *v.* Mackinnon [1959] 1 Q.B. 150; [1958] 3 W.L.R. 688

s. 16, Sch.: Allied Investors' Trusts *v.* Board of Trade [1956] Ch. 232; [1956] 2 W.L.R. 224

Limitation Act (2 & 3 Geo. 6, c. 21): Rhyl Urban District Council *v.* Rhyl Amusements [1959] 1 W.L.R. 465

s. 2: Coote *v.* Eastern Gas Board [1953] 1 Q.B. 594; [1953] 2 W.L.R. 592; Mills *v.* Allen [1953] 2 Q.B. 341; [1953] 3 W.L.R. 356; Littlewood *v.* George Wimpey & Co. [1953] 2 Q.B. 501; [1953] 3 W.L.R. 553; China *v.* Harrow Urban District Council [1954] 1 Q.B. 178; [1953] 3 W.L.R. 885; George Wimpey & Co. *v.* British Overseas Airways Corporation [1955] A.C. 169; [1954] 3 W.L.R. 932; Welch *v.* Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757; Airey *v.* Airey [1958] 2 Q.B. 300; [1958] 1 W.L.R. 729

s. 2 (1): Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265; Archer *v.* Catton & Co. [1954] 1 W.L.R. 775; Clarkson *v.* Modern Foundries [1957] 1 W.L.R. 1210

s. 2 (1) (*d*): West Riding County Council *v.* Huddersfield Corporation [1957] 1 Q.B. 540; [1957] 2 W.L.R. 428

s. 4 (3): Wright *v.* Pepin [1954] 1 W.L.R. 635; Lloyds Bank *v.* Margolis [1954] 1 W.L.R. 644; Williams Brothers Direct Supply *v.* Raftery [1958] 1 Q.B. 159; [1957] 3 W.L.R. 931

s. 5 (1): Williams Brothers Direct Supply *v.* Raftery [1958] 1 Q.B. 159; [1957] 3 W.L.R. 931

s. 7 (3) (5): Bridges *v.* Mees [1957] Ch. 475; [1957] 3 W.L.R. 215

s. 10 (1): Bridges *v.* Mees [1957] Ch. 475; [1957] 3 W.L.R. 215; Williams Brothers Direct Supply *v.* Raftery [1958] 1 Q.B. 159; [1957] 3 W.L.R. 931

s. 18 (4): Lloyds Bank *v.* Margolis [1954] 1 W.L.R. 644; Wright *v.* Pepin [1954] 1 W.L.R. 635

s. 19: G. L. Baker *v.* Medway Building & Supplies [1958] 1 W.L.R. 1216

s. 20: Ministry of Health *v.* Simpson [1951] A.C. 251; (1950) 66 T.L.R. (Pt. 2) 1015

s. 21: Hill *v.* Luton Corporation [1951] 2 K.B. 387; [1951] 1 T.L.R. 853; Welch *v.* Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

s. 21 (1): Littlewood *v.* George Wimpey & Co. [1953] 2 Q.B. 501; [1953] 1 W.L.R. 426; [1953] 3 W.L.R. 553; Reeves *v.* Deane-Freeman [1953] 1 Q.B. 459; [1953] 2 W.L.R. 391; Graff Bros. Estates *v.* Rimrose Brook Joint Sewerage Board [1953] 2 Q.B. 318; [1953] 3 W.L.R. 419; Razzel *v.* Snowball [1954] 1 W.L.R. 1382; Higgins *v.* North West Metropolitan Board and Bach [1954] 1 W.L.R. 411; O'Connor *v.* Isaacs [1956] 2 Q.B. 288; [1956] 2 W.L.R. 586; [1956] 3 W.L.R. 172

s. 21 (1) (2): George Wimpey & Co. *v.* British Overseas Airways Corporation [1955] A.C. 169; [1954] 3 W.L.R. 932

ss. 23, 24: *In re* Transplanters (Holding Company) [1958] 1 W.L.R. 822

ss. 23 (1), 24 (1) (2): Wright *v.* Pepin [1954] 1 W.L.R. 635

s. 26: G. L. Baker *v.* Medway Building & Supplies [1958] 1 W.L.R. 1216

s. 26 (*a*) (*b*) (*c*): Phillip-Higgins *v.* Harper [1954] 1 Q.B. 411; [1954] 2 W.L.R. 117, 782

s. 26 (*b*): Shaw *v.* Shaw [1954] 2 Q.B. 429; [1954] 3 W.L.R. 265

s. 26 (1) (*b*): Kitchen *v.* Royal Air Force Association [1958] 1 W.L.R. 563

s. 27: West Riding County Council *v.* Huddersfield Corporation [1957] 1 Q.B. 540; [1957] 2 W.L.R. 428

s. 31: China *v.* Harrow Urban District Council [1954] 1 Q.B. 178; [1953] 3 W.L.R. 885

s. 32: Airey *v.* Airey [1958] 2 Q.B. 300; [1958] 1 W.L.R. 729

Local Government Act (2 & 3 Geo. 6, c. 40)—

s. 181 (3): Kensington Borough Council *v.* Walters [1959] 3 W.L.R. 945

s. 184: London County Council *v.* Farren [1956] 1 W.L.R. 1297

Finance Act (2 & 3 Geo. 6, c. 41)—

s. 14: Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842

s. 14 (8): Inland Revenue Commissioners *v.* Bew Estates [1956] Ch. 407; [1956] 3 W.L.R. 139

Emergency Powers (Defence) Act (2 & 3 Geo. 6, c. 62)—

s. 1 (4): R. *v.* Industrial Disputes Tribunal. *Ex parte* East Anglian Trustee Savings Bank [1954] 1 W.L.R. 1093

Import, Export and Customs Powers (Defence) Act (2 & 3 Geo. 6, c. 69)—

s. 3: Roe *v.* Hemmings [1951] 1 K.B. 676; [1951] 1 T.L.R. 365

Rent and Mortgage Interest Restrictions Act (2 & 3 Geo. 6, c. 71)—

s. 3: Court *v.* Robinson [1951] 2 K.B. 60

s. 3 (1): Hazell, Watson & Viney *v.* Malvermi [1953] 1 W.L.R. 782; Montagu *v.* Browning [1954] 1 W.L.R. 1039

s. 3 (1) (3): British Land Co. *v.* Herbert Silver (Menswear) [1958] 1 Q.B. 530; [1958] 2 W.L.R. 580

s. 3 (2): Stagg *v.* Brickett [1951] 1 K.B. 648; [1951] 1 T.L.R. 82

1939 **Rent and Mortgage Interest Restrictions Act**—*continued.*

s. 3 (3): Langford Property Co. Ltd. *v.* Batten [1951] A.C. 223; (1950) 66 T.L.R. (Pt. 2) 958; Cumbes *v.* Robinson [1951] 2 K.B. 83; Knight *v.* Olive [1954] 1 Q.B. 514; [1954] 2 W.L.R. 646; R. *v.* Brighton and Area Rent Tribunal. *Ex parte* Slaughter [1954] 1 Q.B. 446; [1954] 2 W.L.R. 289; Davies *v.* Gilbert [1955] 1 W.L.R. 160; Levermore *v.* Jobey [1956] 1 W.L.R. 697

s. 7: Coutts & Co. *v.* Duntroon Investment Corporation [1958] 1 W.L.R. 116

s. 7 (2) (3): R. *v.* Sidmouth Rent Tribunal. *Ex parte* Sellek [1951] 1 K.B. 778; [1951] 1 T.L.R. 408; Temple *v.* National Mutual Life Assurance of Australasia [1955] 2 Q.B. 461; [1955] 3 W.L.R. 264

Sch. I: Court *v.* Robinson [1951] 2 K.B. 60; Emberson *v.* Robinson [1953] 1 W.L.R. 1129; Morcom *v.* Campbell-Johnson [1956] 1 Q.B. 106; [1955] 3 W.L.R. 497

Landlord and Tenant (War Damage) Act (2 & 3 Geo. 6, c. 72)—

s. 10 (1) (*a*) (*b*): Cusack-Smith *v.* London Corporation [1956] 1 W.L.R. 1368

Compensation (Defence) Act (2 & 3 Geo. 6, c. 75)—

ss. 1 (1), 2 (1) (*b*): *In re* Hamilton-Snowball's Conveyance [1958] 2 W.L.R. 951

s. 2 (1) (2): *In re* Ellenborough Park, *In re* Davies, decd., Powell *v.* Maddison [1955] 3 W.L.R. 91

s. 2 (3): *In re* Hamilton-Snowball's Conveyance [1958] 2 W.L.R. 951

s. 4 (3): Port Line *v.* Ben Line Steamers [1958] 2 Q.B. 146; [1958] 2 W.L.R. 551

s. 17 (1): *In re* Hamilton-Snowball's Conveyance [1958] 2 W.L.R. 951

Personal Injuries (Emergency Provisions) Act (2 & 3 Geo. 6, c. 82)—

ss. 3 (1), 8 (1): Howgate *v.* Bagnall [1951] 1 K.B. 265; (1950) 66 T.L.R. (Pt. 2) 997

Trading with the Enemy Act (2 & 3 Geo. 6, c. 89): Fischler *v.* Administrator of Roumanian Property [1960] 1 W.L.R. 917

s. 1: Bevan *v.* Bevan [1955] 2 Q.B. 227; [1955] 2 W.L.R. 948

s. 4: Novello & Co. Ltd. *v.* Hinrichsen Edition Ltd. [1951] Ch. 595

s. 7: R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789; Maerkle *v.* British Continental Fur Co. [1954] 1 W.L.R. 1242; Bank voor Handel en Scheepvaart N.V. *v.* Administrator of Hungarian Property [1954] A.C. 584; [1954] 2 W.L.R. 867; Bevan *v.* Bevan [1955] 2 Q.B. 227; [1955] 2 W.L.R. 948

s. 16: R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789

National Registration Act (2 & 3 Geo. 6, c. 91)—

ss. 6 (4), 12 (4): Willcock *v.* Muckle [1951] 2 K.B. 844; [1951] 2 T.L.R. 373

Patents, Designs, Copyright and Trade Marks (Emergency) Act (2 & 3 Geo. 6, c. 107), s. 2: Novello & Co. Ltd. *v.* Hinrichsen Edition Ltd. [1951] Ch. 595, 1026; [1951] 2 T.L.R. 645

London Building Acts (Amendment) Act (2 & 3 Geo. 6, c. xcvii)—

ss. 33 (1), 35, 66, 70: *In re* County of London (Devons Road, Poplar) Housing Confirmation Order, 1945 [1956] 1 W.L.R. 499

s. 64 (1): Bewlay and Co. *v.* London County Council [1953] 1 W.L.R. 1110

ss. 133 (2), 141 (3), 148: Solomons *v.* R. Gertzenstein [1954] 1 Q.B. 565; [1954] 2 W.L.R. 823; [1954] 2 Q.B. 243; [1954] 3 W.L.R. 317

1940 **Finance Act** (3 & 4 Geo. 6, c. 29)—

s. 15 (1): Littman *v.* Barron (Inspector of Taxes) [1951] Ch. 993; [1951] 2 T.L.R. 323

s. 43: Iveagh *v.* Inland Revenue Commissioners [1954] Ch. 364; [1954] 2 W.L.R. 494

s. 43 (1): *In re* Joynson's Will Trusts, Gaddum *v.* Inland Revenue Commissioners [1954] Ch. 567; [1954] 2 W.L.R. 1061; Pye-Smith *v.* Inland Revenue Commissioners [1958] 1 W.L.R. 905

s. 44 (1): *In re* Leven and Melville (Earl) decd. [1954] 1 W.L.R. 1228

s. 45: *In re* Stratton's Disclaimer [1957] Ch. 132; [1956] 3 W.L.R. 1054; [1958] Ch. 42; [1957] 3 W.L.R. 199

s. 45 (1): *In re* Leven and Melville (Earl) decd. [1954] 1 W.L.R. 1228

s. 50 (1): *In re* Sutherland, decd. Winter *v.* I. R. C. [1960] Ch. 134; [1959] 3 W.L.R. 543

ss. 50 (1), 55 (1) (2): *In re* Sutherland, decd. [1960] Ch. 134; [1960] 3 W.L.R. 491

s. 55: *In re* Hall's Settlement, Sanderson *v.* Inland Revenue Commissioners [1954] 1 W.L.R. 1185; [1954] 3 W.L.R. 675; [1956] A.C. 491; [1956] 2 W.L.R. 98; Barclays Bank *v.* I. R. C. [1959] Ch. 341, 659; [1959] 2 W.L.R. 99; [1959] 3 W.L.R. 240

s. 55 (1) (2): *In re* Sutherland, decd. Winter *v.* Inland Revenue Commissioners [1960] Ch. 134; [1959] 3 W.L.R. 543

ss. 55, 58: Barclays Bank Ltd. *v.* Inland Revenue Comrs. [1960] 3 W.L.R. 280

s. 58: Barclays Bank *v.* Inland Revenue Commissioners [1959] Ch. 659; [1959] 3 W.L.R. 240

s. 59: *In re* Leven and Melville (Earl) decd. [1954] 1 W.L.R. 1228

Finance (No. 2) Act (3 & 4 Geo. 6, c. 48)—

s. 14 (1): Inland Revenue Commissioners *v.* Pullman Car Co. [1954] 1 W.L.R. 1029

ss. 18 (1), 19 (1), Sch. VII, No. 23: Coleborn (T.) & Sons Ltd. *v.* Blond [1951] 1 K.B. 43; (1950) 66 T.L.R. (Pt. 2) 57

Allied Forces Act (3 & 4 Geo. 6, c. 51)—

s. 1 (1): Holdowanski *v.* Holdowanska (orse. Bialoszewska) and Price [1957] P. 301; [1956] 3 W.L.R. 935; Taczanowska (orse. Roth) *v.* Taczanowski [1957] P. 301; [1957] 3 W.L.R. 141

1941 **Finance Act** (4 & 5 Geo. 6, c. 30), s. 12, Sch. I, para. 5: Inland Revenue Commissioners *v.* Pearlberg [1953] 1 W.L.R. 331

s. 25 (1): *In re* Banbury, decd. Westminster Bank Ltd. *v.* Banbury [1951] Ch. 1; 66 T.L.R. (Pt. 1) 1245

Solicitors Act (4 & 5 Geo. 6, c. 46)—

s. 16 (1) (*a*): *In re* A Solicitor's Clerk [1957] 1 W.L.R. 1210

s. 16 (1) (*b*): *In re* A Solicitor's Clerk [1956] 1 W.L.R. 547

1942 **Finance Act** (5 & 6 Geo. 6, c. 21)—

s. 47: Welch *v.* The Bank of England [1955] Ch. 508; [1955] 2 W.L.R. 757

Sch. X, para. 6 (3): Inland Revenue Commissioners *v.* Pearlberg [1953] 1 W.L.R. 331

1943 **War Damage Act** (6 & 7 Geo. 6, c. 21)—

s. 3: Inland Revenue Commissioners *v.* Bew Estates [1956] Ch. 407; [1956] 3 W.L.R. 139

s. 8: *In re* 34 Bruton Street, Westminster [1956] 1 W.L.R. 1477; [1957] Ch. 543; [1957] 3 W.L.R. 80; Paddington Borough Council *v.* War Damage Commission [1957] 1 Q.B. 294; [1956] 3 W.L.R. 912

s. 8 (2) (3): City of London Property Co. *v.* War Damage Commission [1956] 3 W.L.R. 615; [1957] Ch. 274; [1957] 2 W.L.R. 379

s. 10: Hunter *v.* Blackwood. Same *v.* Murray [1951] A.C. 467; [1951] 1 T.L.R. 485

ss. 10 (2) (5), 11 (1), 13 (1) (*b*), 16 (1) (2) (4): *In re* 102–107 Fetter Lane, London. Solicitors' Law Stationery Society Ltd. *v.* War Damage Commission [1951] Ch. 20; (1950) 66 T.L.R. (Pt. 2) 327

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ss. 36, 66, 79: London Investment and Mortgage Co. *v.* Inland Revenue Commissioners [1956] 1 W.L.R. 858; [1957] 1 W.L.R. 116; London Investment & Mortgage Co. *v.* Worthington (Inspector of Taxes) [1958] 1 W.L.R. 842

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Catering Wages Act (6 & 7 Geo. 6, c. 24): Wrottesley *v.* Regent Street Florida Restaurant [1951] 2 K.B. 277; [1951] 1 T.L.R. 338

s. 1 (2) (4): Pauley *v.* Kenaldo [1953] 1 W.L.R. 187; Hearst *v.* Clark [1955] 1 W.L.R. 1210; English *v.* Gunter & Co. [1957] 3 W.L.R. 915

s. 9 (1): Parkinson *v.* Plumpton (J.) [1954] 1 W.L.R. 75; Hearst *v.* Clark [1955] 1 W.L.R. 1210

s. 10 (1): Parkinson *v.* Plumpton (J.) [1954] 1 W.L.R. 75

s. 10 (3): Peoples' Refreshment House Association *v.* Jones [1954] 1 W.L.R. 339

Law Reform (Frustrated Contracts) Act (6 & 7 Geo. 6, c. 40), s. 1 (3): Government of Gibraltar *v.* Kenney [1956] 2 Q.B. 410; [1956] 1 W.L.R. 466

Income Tax (Employments) Act (6 & 7 Geo. 6, c. 45), s. 1: Jaworski *v.* Institution of Polish Engineers in Great Britain Ltd. [1951] 1 K.B. 768

1944 **Pensions Increase Act** (7 & 8 Geo. 6, c. 21): Abbott *v.* London County Council [1951] 2 K.B. 127; [1951] 1 T.L.R. 844; [1951] 2 K.B. 907; [1951] 2 T.L.R. 507

Education Act (7 & 8 Geo. 6, c. 31)—

s. 39: Surrey County Council *v.* Ministry of Education [1953] 1 W.L.R. 516; Spiers *v.* Warrington Corporation [1954] 1 Q.B. 61; [1953] 3 W.L.R. 695

s. 39 (5): Farrier *v.* Ward [1954] 1 W.L.R. 306

s. 49: Price *v.* Sunderland Corporation [1956] 1 W.L.R. 1253

s. 54 (6): Plunkett *v.* Alker [1954] 1 Q.B. 420; [1954] 2 W.L.R. 280

s. 55 (1) (2): Surrey County Council *v.* Ministry of Education [1953] 1 W.L.R. 516

ss. 68, 76, 81, 99 (1): Watt *v.* Kesteven County Council [1954] 3 W.L.R. 729; [1955] 1 Q.B. 408; [1955] 2 W.L.R. 499

s. 114 (1): Plunkett *v.* Alker [1954] 1 Q.B. 420; [1954] 2 W.L.R. 280

Matrimonial Causes (War Marriages) Act (7 & 8 Geo. 6, c. 43): Dunne *v.* Saban [1955] P. 178; [1954] 3 W.L.R. 980

Town and Country Planning Act (7 & 8 Geo. 6, c. 47)—

s. 1 (1): R. *v.* Minister of Town and Country Planning. *Ex parte* Montague Burton Ltd. [1951] 1 K.B. 1; (1950) 66 T.L.R. (Pt. 2) 85

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Middlesex County Council Act (7 & 8 Geo. 6, c. xxi), s. 260 (1) (2): Leslie Maurice & Co. *v.* Willesden Corporation [1953] 2 Q.B. 1; [1953] 2 W.L.R. 892

Planning (Interim Development) Act (Northern Ireland) (8 & 9 Geo. 6, c. 3)—

s. 6 (4): Belfast Corpn. *v.* O. D. Cars Ltd. [1960] A.C. 490; [1960] 2 W.L.R. 148

1945 **Supplies and Services (Transitional Powers) Act** (9 & 10 Geo. 6, c. 10), ss. 5 (2), 10: R. *v.* Industrial Disputes Tribunal. *Ex parte* East Anglian Trustee Savings Bank [1954] 1 W.L.R. 1093

1945 **Wages Councils Act** (8 & 9 Geo. 6, c. 17)—
s. 10 (1): Westall Richardson *v.* Roulson [1954] 1 W.L.R. 905
s. 11: Stephenson *v.* Johnson [1954] 1 W.L.R. 375
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Law Reform (Contributory Negligence) Act (8 & 9 Geo. 6, c. 28): Dorrington *v.* Griff Fender (Swansea) [1953] 1 W.L.R. 690
s. 1: Johnson *v.* Croggan & Co. [1954] 1 W.L.R. 195
ss. 1, 4: Baker *v.* Market Harborough Industrial Co-operative Society, Wallace *v.* Richards (Leicester) [1953] 1 W.L.R. 1472; Trevett *v.* Lee [1955] 1 W.L.R. 113; Davison *v.* Apex Scaffolds [1956] 1 Q.B. 551; [1956] 2 W.L.R. 636

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s. 17 (1): Boarland (Inspector of Taxes) *v.* Madras Electric Supply Corporation (In Liquidation) [1954] 1 W.L.R. 87; Madras Electric Supply Corporation *v.* Boarland [1955] A.C. 667; [1955] 2 W.L.R. 632
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Family Allowances Act (8 & 9 Geo. 6, c. 41), ss. 1, 3 (2), 21 (7): Hill *v.* Minister of Pensions and National Insurance [1955] 1 W.L.R. 899

Water Act (8 & 9 Geo. 6, c. 42)—
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1946 **Building Materials and Housing Act** (9 & 10 Geo. 6, c. 20), s. 7 (1): R. *v.* Wimbledon JJ., *Ex parte* Derwent [1953] 1 Q.B. 380; [1953] 2 W.L.R. 350

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Furnished Houses (Rent Control) Act (9 & 10 Geo. 6, c. 34): Shackleton *v.* Greenhalgh [1951] 1 K.B. 725; [1951] 1 T.L.R. 361; R. *v.* Fulham, Hammersmith and Kensington Rent Tribunal. *Ex parte* Zerek [1951] 2 K.B. 1; [1951] 1 T.L.R. 423
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s. 2 (1): R. *v.* London, etc., Rent Tribunal. *Ex parte* Honig [1951] 1 K.B. 641; [1951] 1 T.L.R. 41; R. *v.* Tottenham and District Rent Tribunal. *Ex parte* Northfield (Highgate) [1956] 3 W.L.R. 462; R. *v.* Battersea, Wandsworth, Mitcham and Wimbledon Rent Tribunal. *Ex parte* Ambalal Parikh [1957] 1 W.L.R. 410
s. 3: De Jean *v.* Fletcher [1959] 1 W.L.R. 341
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s. 9: Mauray *v.* Durley Chine (Investments) [1953] 2 Q.B. 433; [1953] 1 W.L.R. 524; [1953] 3 W.L.R. 296

Building Restrictions (War-Time Contraventions) Act (9 & 10 Geo. 6, c. 35), ss. 1 (1), 3 (1) (*a*), 7 (1): Nalder *v.* Ilford Corporation [1951] 1 K.B. 822; (1950) 66 T.L.R. (Pt. 2) 949

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Police Act (9 & 10 Geo. 6, c. 46), s. 15: Hazeldine *v.* Minister of Housing and Local Government [1959] 1 W.L.R. 1155; Wiltshire County Council *v.* Wiltshire Quarter Sessions Standing Joint Committee [1951] 2 K.B. 516; [1951] 1 T.L.R. 941

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Sch. I, art. 16: Smith *v.* Elloe Rural District Council [1955] 1 W.L.R. 380

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Borrowing (Control and Guarantees) Act (9 & 10 Geo. 6, c. 58), s. 4 (2): London and Country Commercial Properties Investments *v.* Attorney-General [1953] 1 W.L.R. 312

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s. 25: *In re* Old Silkstone Collieries [1954] Ch. 169; [1954] 2 W.L.R. 77; *In re* Doncaster Amalgamated Collieries [1955] 1 W.L.R. 167

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s. 40 (1): R. *v.* Medical Appeal Tribunal (North Midland Region), *Ex parte* Hubble [1959] 2 Q.B. 408; [1959] 3 W.L.R. 456

s. 55: Hales *v.* Bolton Leathers Ltd. [1951] A.C. 531; [1951] 1 T.L.R. 570

s. 89 (1) proviso (*a*): Holloway *v.* Mobberley and Perry Ltd. [1951] 1 K.B. 316; 66 T.L.R. (Pt. 2) 579; Hales *v.* Bolton Leathers Ltd. [1951] A.C. 531; [1951] 1 T.L.R. 570

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s. 47, Sch. 11: Barclays Bank Ltd. *v.* Inland Revenue Comrs. [1960] 3 W.L.R. 280

s. 47, Sch. 11, Pt. I: *In re* Sutherland, decd. [1960] Ch. 134; [1960] 3 W.L.R. 491

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s. 53 (1): Price *v.* Humphries [1958] 2 Q.B. 353; [1958] 3 W.L.R. 304

s. 54 (1): R. *v.* Marlow (Bucks) Trustees, *Ex parte* Schiller [1957] 2 Q.B. 508; [1957] 3 W.L.R. 399

Civil Aviation Act (9 & 10 Geo. 6, c. 70), ss. 2 (1), 17, 18: Littlewood *v.* George Wimpey & Co. [1953] 2 Q.B. 501; [1953] 1 W.L.R. 426

National Health Service Act (9 & 10 Geo. 6, c. 81): *In re* Meyers. London Life Association *v.* St. George's Hospital [1951] Ch. 534; [1951] 1 T.L.R. 435; Cassidy *v.* Ministry of Health [1951] 2 K.B. 343; [1951] 1 T.L.R. 539; *In re* Mills and Mills [1953] 1 W.L.R. 554; *In re* Hutchinson's Will Trusts [1953] Ch. 387; [1953] 2 W.L.R. 872; *In re* Hillier's Trusts, Hillier *v.* Attorney-General [1954] 1 W.L.R. 9, 22, 700; Nottingham No. 1 Area Hospital Management Committee *v.* Owen [1958] 1 Q.B. 50; [1957] 3 W.L.R. 707

s. 3 (1) (*c*): Razzel *v.* Snowball [1954] 1 W.L.R. 1382

s. 6 (1): Minister of Health *v.* Royal Midland Counties Home for Incurables [1954] Ch. 530; [1954] 1 W.L.R. 179; [1954] 2 W.L.R. 755

s. 6 (2): Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181

s. 8 (1): *In re* Bland-Sutton, decd. National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; 66 T.L.R. (Pt. 2) 519; [1951] Ch. 485; [1951] 1 T.L.R. 629

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s. 12 (3): Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523

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s. 14 (1): Barber *v.* Manchester Regional Hospital Board [1958] 1 W.L.R. 181

s. 15 (1): *In re* Bland-Sutton, decd. National Provincial Bank Ltd. *v.* Middlesex Hospital [1951] Ch. 70; 66 T.L.R. (Pt. 2) 519; [1951] Ch. 485; [1951] 1 T.L.R. 629

s. 50 and Sch. 9, Pt. I: Buxton *v.* Jayne [1960] 1 W.L.R. 783

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s. 60: *In re* Hunter. Lloyds Bank *v.* Girton College, Cambridge [1951] Ch. 190; 66 T.L.R. (Pt. 2) 1108

s. 60 (1): *In re* Bawden's Settlement. Besant *v.* Board of Governors of London Hospital [1954] 1 W.L.R. 33

s. 67 (1): Healey *v.* Minister of Health [1954] 2 Q.B. 221; [1954] 3 W.L.R. 222, 815

s. 68 (1): Barber *v.* Manchester Regional Hospital Board and Another [1958] 1 W.L.R. 181

s. 72: Bullard *v.* Croydon Hospital Group Management Committee [1953] 1 Q.B. 511; [1953] 2 W.L.R. 470

s. 79: Minister of Health *v.* Royal Midland Counties Home for Incurables [1954] Ch. 530; [1954] 1 W.L.R. 179; [1954] 2 W.L.R. 755

1947 **Pensions (Increase) Act** (10 & 11 Geo. 6, c. 7): Abbott *v.* London County Council [1951] 2 K.B. 127; [1951] 1 T.L.R. 844; [1951] 2 K.B. 907; [1951] 2 T.L.R. 507

Exchange Control Act (10 & 11 Geo. 6, c. 14)—

s. 5: *In re* A Debtor. *Ex parte* The Debtor *v.* Liguori [1951] Ch. 95; 66 T.L.R. (Pt. 2) 701

ss. 5, 33 (1), proviso, Sch. 4, para. 4: Contract & Trading Co. (Southern) Ltd. *v.* Barbey [1960] A.C. 244; [1960] 2 W.L.R. 15

s. 21: Commissioners of Customs and Excise *v.* Trustee of the Property of Sokolow [1954] 2 Q.B. 336; [1954] 2 W.L.R. 575

s. 33 (1), proviso: Barbey *v.* Contract & Trading Co. (Southern) [1959] 2 Q.B. 157; [1959] 2 W.L.R. 568

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Polish Resettlement Act (10 & 11 Geo. 6, c. 19), s. 9 (2) (8): Holdowanski *v.* Holdowanska (orse. Bialoszewska) and Price [1957] P. 301; [1956] 3 W.L.R. 935; Taczanowska (orse. Roth) *v.* Taczanowski [1957] P. 301; [1957] 3 W.L.R. 141

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1947 **Finance Act** (10 & 11 Geo. 6, c. 35)—
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s. 31 (3): R. *v.* Income Tax Special Commissioners. *Ex parte* Linsleys (Established 1894) [1956] 3 W.L.R. 854; [1957] 2 Q.B. 78; [1957] 2 W.L.R. 654; Income Tax Special Commissioners *v.* Linsleys (Established 1894) [1958] A.C. 569; [1958] 2 W.L.R. 292
s. 32 (1): Inland Revenue Commissioners *v.* South Georgia Co. [1958] A.C. 599; [1958] 2 W.L.R. 492; Henry Briggs, Son & Co. Ltd. *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 532
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s. 36: Inland Revenue Commissioners *v.* Universal Grinding Wheel Co. [1953] Ch. 499; [1953] 3 W.L.R. 29
s. 36 (1), proviso: Inland Revenue Commissioners *v.* Universal Grinding Wheel Co. [1954] Ch. 117; [1954] 2 W.L.R. 37; [1955] 2 W.L.R. 892; Inland Revenue Commissioners *v.* Pollock & Peel (In Liquidation) [1956] 1 W.L.R. 951; [1957] 1 W.L.R. 822
s. 36 (1) (*c*): Inland Revenue Comrs. *v.* H. Dunning & Co. (1946) Ltd. [1960] 1 W.L.R. 1106
s. 38 (3): Gahan *v.* Chloride Batteries [1955] 1 W.L.R. 277; Chloride Batteries Ltd. *v.* Gahan (Inspector of Taxes) [1956] 1 W.L.R. 391
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s. 27 (1): *In re* Lupkovics. *Ex parte* The Trustee *v.* Freville [1954] 1 W.L.R. 1235

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s. 2 (2) (*f*) (*g*) (*i*): Ebbw Vale Urban District Council *v.* South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 T.L.R. 742
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ss. 12, 14 (4): Smith *v.* London Transport Executive [1951] A.C. 555; [1951] 1 T.L.R. 683

ss. 29, 30, 31: Kirkness *v.* John Hudson & Co. [1953] 1 W.L.R. 749; [1954] 1 W.L.R. 40; [1955] A.C. 696; [1955] 2 W.L.R. 1135

s. 47 (3): Road Haulage Executive *v.* Elrick [1953] A.C. 337; [1953] 2 W.L.R. 602

s. 52: Davies, Turner & Co. *v.* Brodie [1954] 1 W.L.R. 1364

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s. 65 (1): Smith *v.* London Transport Executive [1951] A.C. 555; [1951] 1 T.L.R. 683

s. 76: Ebbw Vale Urban District Council *v.* South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 T.L.R. 742

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s. 101: R. *v.* Westminster Compensation Appeal Tribunal and Sell, *Ex parte* Road Haulage Executive [1953] 1 W.L.R. 506

Sch. 6: John Hudson & Co. *v.* Kirkness [1954] 1 W.L.R. 40

Sch. 9: Road Transport Executive *v.* Elrick [1953] A.C. 337; [1953] 2 W.L.R. 602

Sch. 10, para. 5: British Transport Commission *v.* London County Council [1953] 1 Q.B. 736; [1953] 2 W.L.R. 665

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s. 12: Central Land Board *v.* Saxone Shoe Co. [1956] 1 Q.B. 288; [1955] 3 W.L.R. 614; Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886; Fyson *v.* Buckinghamshire County Council; Metal Recovery & Storage Co. *v.* Same [1958] 1 W.L.R. 634; Guildford R. D. C. *v.* Fortescue [1959] 2 Q.B. 112; [1959] 2 W.L.R. 643; Cater *v.* Essex County Council [1960] 1 Q.B. 424; [1959] 2 W.L.R. 739; Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630

s. 12 (1): Attorney-General *v.* Smith [1958] 2 Q.B. 173; [1958] 3 W.L.R. 81

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s. 12 (2): Harlow *v.* Minister of Transport and Rugby Portland Cement Co. Ltd. [1951] 2 K.B. 98; 66 T.L.R. (Pt. 2) 1037

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s. 13 (1): Cater *v.* Essex County Council [1960] 1 Q.B. 424; [1959] 2 W.L.R. 739

s. 14: Pyx Granite Co. *v.* Ministry of Housing and Local Government [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371; [1959] 3 W.L.R. 346

s. 14 (1): Fawcett Properties *v.* Buckingham County Council [1958] 1 W.L.R. 1161; [1959] Ch. 543; [1959] 2 W.L.R. 284

ss. 14 (1), 36: Fawcett Properties Ltd. *v.* Buckingham County Council [1959] Ch. 543; [1960] 3 W.L.R. 831

s. 15: Pyx Granite Co. *v.* Ministry of Housing and Local Government [1958] 1 Q.B. 554; [1958] 2 W.L.R. 371; [1959] 3 W.L.R. 346

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s. 16 (3): Hamilton *v.* West Sussex County Council [1958] 2 Q.B. 286; [1958] 2 W.L.R. 873

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s. 19, proviso (*b*) (2) (2A): R. *v.* Minister of Housing and Local Government, *Ex parte* Rank Organisation [1958] 1 W.L.R. 1093

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s. 23 (1): Cater *v.* Essex County Council [1960] 1 Q.B. 424; [1959] 2 W.L.R. 739

s. 23 (2) (4): Eastbourne Corporation *v.* Fortes Ice Cream Parlour (1955) [1958] 2 Q.B. 41; [1958] 2 W.L.R. 886; [1959] 2 Q.B. 92; [1959] 2 W.L.R. 630

s. 23 (3): Ealing Corporation *v.* Jones [1959] 1 Q.B. 384; [1959] 2 W.L.R. 194

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s. 23 (4) (*a*): Mounsdon *v.* Weymouth and Melcombe Borough Council [1960] 1 Q.B. 645; [1960] 2 W.L.R. 484

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s. 43 (1) (2): Earl Fitzwilliam's Wentworth Estates Co. Ltd. *v.* Minister of Town and Country Planning [1951] 1 K.B. 203; 66 T.L.R. (Pt. 2) 546; [1951] 2 K.B. 284; [1951] 1 T.L.R. 878

s. 49 (1): Harlow *v.* Minister of Transport and Rugby Portland Cement Co. Ltd. [1951] 2 K.B. 98; 66 T.L.R. (Pt. 2) 1037

s. 51: Higham *v.* Havant and Waterloo Urban District Council [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 2 K.B. 527; [1951] 2 T.L.R. 87

s. 53: Paddington Borough Council *v.* War Damage Commission [1957] 1 Q.B. 294; [1956] 3 W.L.R. 911

s. 53 (1) (*a*): East End Dwellings Co. Ltd. *v.* Finsbury Borough Council [1951] 1 K.B. 441; (1950) 66 T.L.R. (Pt. 2) 876

s. 55: Higham *v.* Havant and Waterloo Urban District Council [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 2 K.B. 527; [1951] 2 T.L.R. 87

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s. 70 (2): London County Council *v.* Central Land Board [1958] 2 W.L.R. 807

s. 75: Higham *v.* Havant and Waterloo Urban District Council [1951] 1 K.B. 509; [1951] 1 T.L.R. 303; [1951] 2 K.B. 527; [1951] 2 T.L.R. 87; Swallow and Pearson *v.* Middlesex County Council [1953] 1 W.L.R. 422; Lincolnshire County Council *v.* Wallace Holiday Camp [1953] 2 Q.B. 178; [1953] 2 W.L.R. 1088; Park Estate (Bridlington) *v.* East Riding County Council [1955] 2 W.L.R. 1021; [1956] 1 Q.B. 191; [1956] 3 W.L.R. 313

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s. 85 (1) (2): *In re* Girls' Public Day School Trust Ltd. Girls' Public Day School Trust Ltd. *v.* Minister of Town and Country Planning [1951] Ch. 400; Abbey Malvern Wells Ltd. *v.* Ministry of Local Government and Planning [1951] Ch. 728; [1951] 1 T.L.R. 1050

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1948 **Cinematograph Films Act** (11 & 12 Geo. 6, c. 23), Sch. 1: *In re* F. G. (Films) [1953] 1 W.L.R. 483

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s. 55 (2): Governments Stock and Other Securities Investment Co. *v.* Christopher [1956] 1 W.L.R. 237

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s. 56 (1): *In re* Paringa Mining and Exploration Co. [1957] 1 W.L.R. 1143

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s. 69: *In re* Castiglione, Erskine & Co. [1958] 1 W.L.R. 688

s. 69 (1): *In re* Paringa Mining and Exploration Co. [1957] 1 W.L.R. 1143

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s. 2: R. *v.* Birmingham (West) Rent Tribunal. *Ex parte* Edgbaston Investment Trust Ltd. [1951] 2 K.B. 54; [1951] 1 T.L.R. 79; Eales *v.* Dale [1954] 1 Q.B. 539; [1954] 2 W.L.R. 593; Wood *v.* Wise [1955] 2 Q.B. 29; [1955] 2 W.L.R. 734; White *v.* Elmdene Estates [1960] 1 Q.B. 1; [1959] 3 W.L.R. 185

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s. 2 (1) (5) (6): Grace Rymer Investments *v.* Waite [1958] Ch. 314; [1958] 2 W.L.R. 200; [1958] Ch. 831; [1958] 3 W.L.R. 337

s. 2 (3): Lower *v.* Porter [1956] 1 Q.B. 325; [1956] 2 W.L.R. 215

s. 2 (5): Regor Estates Ltd. *v.* Wright [1951] 1 K.B. 689; [1951] 1 T.L.R. 242; Temple *v.* Lewis [1954] 1 Q.B. 22; [1953] 3 W.L.R. 762

s. 2 (7): Regor Estates Ltd. *v.* Wright [1951] 1 K.B. 689; [1951] 1 T.L.R. 242

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s. 7: Shackleton *v.* Greenhalgh [1951] 1 K.B. 725; [1951] 1 T.L.R. 361

s. 8: Isaacs *v.* Titus [1954] 1 W.L.R. 398; Tovey *v.* Tyack [1955] 1 Q.B. 57; [1954] 3 W.L.R. 570; Lockwood *v.* Lowe [1954] 2 Q.B. 267; [1954] 2 W.L.R. 296

s. 9: Shackleton *v.* Greenhalgh [1951] 1 K.B. 725; [1951] 1 T.L.R. 361

1949 **Landlord and Tenant (Rent Control) Act**—*continued.*

s. 11: R. *v.* Paddington (South) Rent Tribunal, *Ex parte* Millard [1955] 1 W.L.R. 348

s. 11 (1): Francis Jackson Developments Ltd. *v.* Hall [1951] 2 K.B. 488; [1951] 2 T.L.R. 97; Preston and Area Rent Tribunal *v.* Pickavance [1953] A.C. 562; [1953] 3 W.L.R. 242

s. 11 (2): Francis Jackson Developments Ltd. *v.* Hall [1951] 2 K.B. 488; [1951] 2 T.L.R. 97

s. 18: R. *v.* Birmingham (West) Rent Tribunal. *Ex parte* Edgbaston Investment Trust Ltd. [1951] 2 K.B. 54; [1951] 1 T.L.R. 77; Wood *v.* Wise [1955] 2 Q.B. 29; [1955] 2 W.L.R. 734

Sch. I, Part I: R. *v.* Birmingham (West) Rent Tribunal. *Ex parte* Edgbaston Investment Trust Ltd. [1951] 2 K.B. 54; [1951] 1 T.L.R. 77

Ireland Act (12, 13 & 14 Geo. 6, c. 41), s. 3 (1) (2): Bicknell *v.* Brosnan [1953] 2 Q.B. 77; [1953] 2 W.L.R. 1052

Lands Tribunal Act (12 & 13 Geo. 6, c. 42)—

s. 1: Sowerby Bridge Urban District Council *v.* Stott [1956] 2 Q.B. 596; [1956] 3 W.L.R. 1

s. 1 (4): Richardson *v.* Jackson [1954] 1 W.L.R. 447

ss. 1, 3: Ellerby *v.* March [1954] 2 Q.B. 357; [1954] 3 W.L.R. 53; Wootton *v.* Central Land Board [1957] 1 W.L.R. 424

s. 3 (4): Routh's Trustees *v.* Central Land Board [1960] 1 W.L.R. 737

s. 3 (5), Sch. I, Pt. II, para. 5 (1) (2) (3): London County Council *v.* Tobin [1959] 1 W.L.R. 354

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s. 27: *In re* Gibbs, decd. Midland Bank Executor and Trustee Co. Ltd. *v.* Inland Revenue Commissioners [1951] Ch. 933; *In re* Cunliffe-Owen. Mountain *v.* Inland Revenue Commissioners [1953] Ch. 545; [1953] 3 W.L.R. 120

s. 28 (2): Philipson-Stow *v.* Inland Revenue Commissioners [1959] Ch. 395; [1959] 2 W.L.R. 457; Philipson-Stow *v.* Inland Revenue Comrs. [1960] Ch. 313; [1960] 2 W.L.R. 32; [1960] 3 W.L.R. 1008

Legal Aid and Advice Act (12, 13 & 14 Geo. 6, c. 51): Wigley *v.* Wigley [1951] P. 156

s. 1 (5): W. F. Marshall *v.* Barnes and Fitzpatrick [1953] 1 W.L.R. 639; Copland *v.* Houlton [1955] 1 W.L.R. 1072; Law Society *v.* Elder [1956] 2 Q.B. 93; [1956] 2 W.L.R. 941

s. 1 (7): Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435; Sutton *v.* Sears [1959] 3 W.L.R. 791

s. 1 (7) (*a*), Sch. 3: Francis *v.* Francis and Pearson [1956] P. 87; [1955] 3 W.L.R. 973

s. 1 (7) (*b*): Daley *v.* Diggers Ltd. [1951] 1 K.B. 661; 66 T.L.R. (Pt. 2) 1118; Practice Note (Security for Wife's Costs) [1953] 1 W.L.R. 905; Howell *v.* Howell [1953] 1 W.L.R. 1024; Friedmann *v.* Austay (London) [1954] 1 W.L.R. 466; *In re* G. (An Infant) [1956] 1 W.L.R. 911

ss. 1 (7) (*b*), 2 (*e*), 3 (1): Blatcher *v.* Heaysman [1960] 1 W.L.R. 663

s. 2 (2): Daley *v.* Diggers Ltd. [1951] 1 K.B. 661; 66 T.L.R. (Pt. 2) 1118; Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435

s. 2 (2) (*a*): Wallace *v.* Freeman Heating Co. [1955] 1 W.L.R. 172

s. 2 (2) (*b*): Page *v.* Page, Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432

s. 2 (2) (*c*): Practice Direction (Costs Against Aided Person) [1954] 1 W.L.R. 275

s. 2 (2) (*e*): King *v.* T. and W. Farmiloe [1953] 1 W.L.R. 458; Wozniak *v.* Wozniak [1953] P. 179; [1953] 2 W.L.R. 1075; Nolan *v.* C. & C. Marshall [1953] 3 W.L.R. 257; [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285; Godfrey *v.* Smith [1955] 1 W.L.R. 692

ss. 2 (2) (*e*), 4 (3): Bloomfield *v.* British Transport Commission [1960] 1 Q.B. 86; [1960] 2 W.L.R. 693

s. 3: Dawson *v.* Preston [1955] 1 W.L.R. 1220

s. 3 (4): Law Society *v.* Rushman [1955] 1 W.L.R. 681; R. *v.* Judge Fraser Harrison, *Ex parte* Law Society [1955] 1 Q.B. 287; [1955] 2 W.L.R. 220; Rolph *v.* Marston Valley Brick Co. [1956] 2 Q.B. 18; [1956] 3 W.L.R. 929; Wagg *v.* Law Society [1957] Ch. 405; [1957] 3 W.L.R. 20

s. 4 (3): Nolan *v.* C. & C. Marshall [1954] 2 Q.B. 42; [1954] 2 W.L.R. 285; Taylor (formerly Kraupl) *v.* National Assistance Board [1956] P. 470; [1956] 3 W.L.R. 290; [1957] P. 101; [1957] 2 W.L.R. 189; [1958] A.C. 532; [1958] 2 W.L.R. 11

s. 6 (4): Self *v.* Self [1954] P. 480; [1954] 3 W.L.R. 119

s. 6 (5): Daley *v.* Diggers Ltd. [1951] 1 K.B. 661; 66 T.L.R. (Pt. 2) 1118; Page *v.* Page, Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432

s. 6 (6): Daley *v.* Diggers Ltd. [1951] 1 K.B. 661; 66 T.L.R. (Pt. 2) 1118

s. 6 (7): Bezzi *v.* Bezzi [1956] 1 W.L.R. 116

s. 6 (9): Daley *v.* Diggers Ltd. [1951] 1 K.B. 661; 66 T.L.R. (Pt. 2) 1118

s. 12 (2): Burton *v.* Holdsworth [1951] 2 K.B. 703; [1951] 2 T.L.R. 435

s. 12 (2) (*b*) (ii): Evans *v.* Evans [1953] P. 41; [1953] 1 W.L.R. 127

s. 15 (1): Moss *v.* Moss [1956] P. 373; [1956] 2 W.L.R. 469

s. 17 (1): Wozniak *v.* Wozniak [1953] P. 179; [1953] 2 W.L.R. 662, 1075

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Sch. 3: Frost *v.* Frost [1953] 1 W.L.R. 52; Page *v.* Page, Metcalfe *v.* Wells [1953] Ch. 320; [1953] 2 W.L.R. 432; Self *v.* Self [1954] P. 480; [1954] 3 W.L.R. 119; Ammar *v.* Ammar [1954] P. 468; [1954] 3 W.L.R. 41; Warman *v.* Barclays Bank [1954] 1 W.L.R. 191; Bock *v.* Bock [1955] 1 W.L.R. 843; Isaac *v.* Isaac [1955] P. 333; [1955] 3 W.L.R. 253; Young *v.* Young & Kohler [1955] 1 W.L.R. 395; Eaves *v.* Eaves & Powell [1956] P. 154; [1955] 3 W.L.R. 984; Practice Direction (Counsel's Fees) [1957] 1 W.L.R. 839

Sch. 3, para. 4 (1): Paice *v.* Paice [1957] 1 W.L.R. 1013

Prevention of Damage by Pests Act (12, 13 & 14 Geo. 6, c. 55), s. 4 (1): Perry *v.* Garner [1953] 1 Q.B. 335; [1953] 2 W.L.R. 271

House of Commons (Redistribution of Seats) Act (12 & 13 Geo. 6, c. 66), ss. 2, 3, Sch. II, rr. 1, 4, 5, 6: Harper *v.* Home Secretary [1955] Ch. 238; [1955] 2 W.L.R. 316

Civil Aviation Act (12 & 13 Geo. 6, c. 67), s. 62: R. *v.* Martin [1956] 2 Q.B. 272; [1956] 2 W.L.R. 975

Representation of the People Act (12, 13 & 14 Geo. 6, c. 68)—

s. 16 (3): *In re* Kensington North Parliamentary Election [1960] 1 W.L.R. 762

s. 45 (1): Reg. *v.* Hurst. *Ex parte* Smith [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961

Marriage Act (12, 13 & 14 Geo. 6, c. 76)—

s. 25: Hooper (orse. Harrison) *v.* Hooper [1959] 1 W.L.R. 1021

s. 61: Dinizulu *v.* Attorney-General [1958] 1 W.L.R. 1252

Coal Industry (No. 2) Act (12, 13 & 14 Geo. 6, c. 79)—

s. 1: Inland Revenue Commissioners *v.* Whitworth Park Coal Co. (In Liquidation) [1958] Ch 792; [1958] 2 W.L.R. 815; Whitworth Park Coal Co. *v.* Inland Revenue Commissioners [1961] A.C. 31; [1959] 3 W.L.R. 842

s. 1 (2): Inland Revenue Commissioners *v.* Butterley Co. [1954] 1 W.L.R. 1199; [1955] Ch. 453; [1955] 2 W.L.R. 785; [1957] A.C. 32; [1956] 2 W.L.R. 1101

Distribution of German Enemy Property Act (12, 13 & 14 Geo. 6, c. 85): R. J. Reuter Co. *v.* Mulhens [1954] Ch. 50; [1953] 3 W.L.R. 789; *In re* Claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 337

s. 1: Maerkle *v.* British Continental Fur Co. [1954] 1 W.L.R. 1242

Patents Act (12, 13 & 14 Geo. 6, c. 87)—

s. 9: R. *v.* Patents Appeal Tribunal, *Ex parte* Baldwin & Francis [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010; Baldwin & Francis *v.* Patents Appeal Tribunal [1959] A.C. 663; [1959] 2 W.L.R. 826

s. 24 (1): R. *v.* Patent Appeal Tribunal, *Ex parte* Champion Paper & Fibre Co. [1957] 1 W.L.R. 248

s. 30: Practice Direction (Patents) [1957] 1 W.L.R. 1251

ss. 41 (1), 45 (3): R. *v.* Comptroller-General of Patents and Designs, *Ex parte* Parke, Davis & Co. [1953] 2 Q.B. 48; [1953] 2 W.L.R. 760; [1953] 3 W.L.R. 40; [1954] A.C. 321; [1954] 2 W.L.R. 531

s. 56 (2): Sterling Engineering Co. *v.* Patchett [1955] A.C. 534; [1955] 2 W.L.R. 424

s. 59 (1): Dunlop Rubber Co. *v.* Longlife Battery Depôt (A Firm) [1958] 1 W.L.R. 1033

s. 85 (1): Baldwin & Francis *v.* Patents Appeal Tribunal [1959] A.C. 663; [1959] 2 W.L.R. 826

s. 85 (10): R. *v.* Patents Appeal Tribunal, *Ex parte* Baldwin & Francis [1959] 1 Q.B. 105; [1958] 2 W.L.R. 1010

Registered Designs Act (12, 13 & 14 Geo. 6, c. 88), s. 1 (4): Reliance (Nameplates) *v.* Art Jewels [1953] 1 W.L.R. 530

Vehicles (Excise) Act (12, 13 & 14 Geo. 6, c. 89)—

s. 4 (1) (2) (*a*): R. *v.* Berkshire County Council, *Ex parte* Berkshire Lime Co. (Childrey) [1953] 1 W.L.R. 1146

s. 5: Pearson *v.* Boyes [1953] 1 W.L.R. 384; R. *v.* Berkshire County Council, *Ex parte* Berkshire Lime Co. (Childrey) [1953] 1 W.L.R. 1146

s. 8 (1) (2): R. *v.* Reigate [1956] 1 W.L.R. 638

s. 9 (1): R. *v.* Phillips [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868

s. 13: Pearson *v.* Boyes [1953] 1 W.L.R. 384; Brown *v.* Allweather Mechanical Grouting Co. [1954] 2 Q.B. 443; [1953] 2 W.L.R. 402

s. 13 (1): Taylor *v.* Thompson [1956] 1 W.L.R. 167

s. 27: Pearson *v.* Boyes [1953] 1 W.L.R. 384; R. *v.* Berkshire County Council, *Ex parte* Berkshire Lime Co. (Childrey) [1953] 1 W.L.R. 1146

s. 27 (1): Taylor *v.* Thompson [1956] 1 W.L.R. 167

Air Corporations Act (12, 13 & 14 Geo. 6, c. 91)—

s. 45 (1): Reg. *v.* Hurst. *Ex parte* Smith [1960] 2 Q.B. 133; [1960] 2 W.L.R. 961

National Parks and Access to the Countryside Act (12, 13 & 14 Geo. 6, c. 97)—

s. 31: British Transport Commission *v.* Worcestershire County Council [1954] 1 W.L.R. 850; [1956] 2 Q.B. 214; [1956] 2 W.L.R. 429, 1022; [1957] 2 W.L.R. 1032

s. 31 (7): Chivers & Sons *v.* Cambridge County Council [1957] 2 Q.B. 68; [1957] 2 W.L.R. 646

Law Reform (Miscellaneous Provisions) Act (12, 13 & 14 Geo. 6, c. 100), Hopkins *v.* Hopkins [1951] P. 116; (1950) 66 T.L.R. (Pt. 2) 896

s. 1: Risk (orse. Yerburgh) *v.* Risk [1951] P. 50; (1950) 66 T.L.R. (Pt. 2) 918; Tulip *v.* Tulip [1951] P. 378; [1951] 1 T.L.R. 1056

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s. 4: *In re* Adams, decd., Sursham *v.* Farquharson [1951] Ch. 716; [1951] 1 T.L.R. 841
s. 5: Scott *v.* Scott [1951] P. 193; 66 T.L.R. (Pt. 2) 1077; [1951] P. 245
s. 9: *In re* E. (An Infant) [1953] 3 W.L.R. 493; *In re* G. (An Infant) [1956] 1 W.L.R. 911; *In re* Andrews (Infants), Sullivan *v.* Andrews [1958] Ch. 665; [1958] 2 W.L.R. 946; *In re* M. [1961] Ch. 81; [1960] 3 W.L.R. 1045
s. 27 (1): Leach *v.* Litchfield [1960] 1 W.L.R. 1392

Pastoral Reorganisation Measure (12 & 13 Geo. 6, No. 3)—
s. 3 (2): Little Leigh Parochial Church Council *v.* Church Commissioners [1960] 1 W.L.R. 567

1950 **Finance Act** (14 Geo. 6, c. 15)—
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s. 44 (1) (3) (4): *In re* Joynson's Will Trusts, Gaddum *v.* Inland Revenue Commissioners [1954] Ch. 567; [1954] 2 W.L.R. 1061
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s. 1: Warren *v.* Warren [1953] 1 W.L.R. 1268; Sealey (orse. Callan) *v.* Callan [1953] P. 135; [1953] 2 W.L.R. 910
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s. 1 (2): Frank *v.* Frank [1951] P. 430; [1951] 2 T.L.R. 404; Lock *v.* Lock [1958] 1 W.L.R. 1248
s. 1 (2) (*a*) (*d*): Wyatt *v.* Wyatt [1954] P. 26; [1953] 2 W.L.R. 1158; Chapman *v.* Chapman [1954] 1 W.L.R. 1332; Swymer *v.* Swymer [1955] P. 11; [1954] 1 W.L.R. 1329; [1954] 3 W.L.R. 803; Bithell *v.* Bithell [1955] P. 76; [1954] 3 W.L.R. 463
s. 2: Simpson *v.* Simpson [1954] 1 W.L.R. 994; Practice Direction (Originating Summons) [1957] 1 W.L.R. 259; Winstone *v.* Winstone [1960] P. 28; [1959] 3 W.L.R. 660
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s. 5: Beal *v.* Beal (Reade cited) [1953] 1 W.L.R. 1365; Gilbert *v.* Gilbert and Abdon (Adams Intervening) [1958] P. 131; [1958] 2 W.L.R. 8; Lance *v.* Lance and Gardiner [1958] P. 134; [1958] 2 W.L.R. 316n.; Meyer *v.* Meyer (Hodge cited). Practice Note [1959] 1 W.L.R. 957
s. 6: Barber *v.* Barber [1954] P. 438; [1954] 2 W.L.R. 1117; Russell *v.* Russell and Roebuck [1957] P. 375; [1957] 2 W.L.R. 897; Levett *v.* Levett and Smith [1957] P. 156; [1957] 2 W.L.R. 484
s. 7 (3): Tursi *v.* Tursi [1958] P. 54; [1957] 3 W.L.R. 573
s. 8: Ramsay-Fairfax *v.* Ramsay-Fairfax [1955] 3 W.L.R. 188
s. 8 (1) (*b*): Iddenden (orse. Brains) *v.* Iddenden [1958] 1 W.L.R. 1041
s. 9: *In re* Adams, decd. Sursham *v.* Farquharson [1951] Ch. 716; [1951] 1 T.L.R. 841
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s. 23 (1): West *v.* West [1954] P. 444; [1954] 3 W.L.R. 163; Logan *v.* Logan [1954] 1 W.L.R. 1050

s. 23 (1) (2): Pigott *v.* Pigott [1958] P. 1; [1957] 3 W.L.R. 781

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s. 2 (1A) (*b*) (*e*): *In re* Trott, decd. [1958] 1 W.L.R. 604
Sch. I: *In re* Lockwood, decd. Atherton *v.* Brooke [1958] Ch. 231; [1952] 3 W.L.R. 837
Sch. IV: *In re* Riglar, decd. [1956] 1 W.L.R. 1414

Defamation Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 66), s. 7, Sched., Pt. 2, para. 9: Khan *v.* Ahmed [1957] 2 Q.B. 149; [1957] 2 W.L.R. 1060

Glamorgan County Council Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. li), s. 115 (1) (5): Reynolds *v.* John; T. Wall & Sons Ltd. *v.* John [1956] 1 Q.B. 650; [1956] 2 W.L.R. 398

1953 **Prevention of Crime Act** (1 & 2 Eliz. 2, c. 14)—
s. 1 (1): R. *v.* Jura [1954] 1 Q.B. 503; [1954] 2 W.L.R. 516
s. 1 (4): Woodward *v.* Koessler [1958] 1 W.L.R. 1255

Accommodation Agencies Act (1 & 2 Eliz. 2, c. 23), s. 1 (1) (*b*): McInnes *v.* Clarke [1955] 1 W.L.R. 102

Local Government (Miscellaneous Provisions) Act (1 & 2 Eliz. 2, c. 26), s. 8 (4) (*b*): Peterborough Corporation *v.* Holdich [1956] 1 Q.B. 124; [1955] 3 W.L.R. 626

Finance Act (1 & 2 Eliz. 2, c. 34), s. 20 (9): Bullock *v.* Unit Construction Co. [1959] Ch. 147; [1958] 3 W.L.R. 504; [1959] Ch. 315; [1959] 2 W.L.R. 437; [1960] A.C. 351; [1959] 3 W.L.R. 1022

Valuation for Rating Act (1 & 2 Eliz. 2, c 42)—
s. 2 (2): Sole *v.* Henning (Valuation Officer) [1959] 1 W.L.R. 969
ss. 2 (2), 3 (*a*) (*b*): Wexler *v.* Playle [1960] 1 Q.B. 217; [1960] 2 W.L.R. 187
s. 3 (2): Walls *v.* Peak [1960] 2 Q.B. 413; [1960] 2 W.L.R. 840

Licensing Act (1 & 2 Eliz. 2, c. 46)—
s. 7: R. *v.* Godalming Licensing Committee, *Ex parte* Knight [1955] 1 W.L.R. 600
ss. 22, 25: R. *v.* Derby Borough Justices' Confirming Authority. *Ex parte* Blackshaw [1958] 1 Q.B. 36; [1957] 3 W.L.R. 591
s. 32 (1) (*a*): R. *v.* Middlesex County Confirming and Compensation Committee. *Ex parte* Frost [1956] 1 W.L.R. 995
s. 48 (4) (5): R. *v.* Barnsley Licensing Justices. *Ex parte* Barnsley and District Licensed Victuallers' Association [1959] 2 Q.B. 276; [1959] 3 W.L.R. 96; [1960] 1 Q.B. 167; [1960] 3 W.L.R. 305
s. 58: R. *v.* City of London Licensing Justices. *Ex parte* Stewart [1954] 1 W.L.R. 1325
s. 100 (1) (*a*), (2) (*c*): Schofield *v.* Jones [1955] 1 W.L.R. 1133
s. 100 (1) (*b*): Pender *v.* Smith [1959] 2 Q.B. 84; [1959] 2 W.L.R. 794
s. 141: Smith *v.* Wyles [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528
s. 148: R. *v.* Brighton Borough Justices, *Ex parte* Jarvis [1954] 1 W.L.R. 203
s. 151 (1): Hinchliffe *v.* Sheldon [1955] 1 W.L.R. 1207
s. 152 (1): Magee *v.* Morris [1954] 1 W.L.R. 806
s. 152 (2): Reg. *v.* Lewes Justices. *Ex parte* Plumpton & District Club Trustees [1960] 1 W.L.R. 700
Sch. 2, Part I, para. 5: Reg. *v.* Woodbury Licensing Justices. *Ex parte* Rouse [1960] 1 W.L.R. 461

1954 **Law Reform (Enforcement of Contracts) Act** (2 & 3 Eliz. 2, c. 34), s. 2: Craxfords (Ramsgate) *v.* Williams and Steer Manufacturing Co. [1954] 1 W.L.R. 1130

Finance Act (2 & 3 Eliz. 2, c. 44)—
s. 16: Hinton (Inspector of Taxes) *v.* Maden and Ireland [1959] 1 W.L.R. 875
s. 28 (1): Burdett-Coutts *v.* Inland Revenue Comrs. [1960] 1 W.L.R. 1027

Housing Repairs and Rents Act (2 & 3 Eliz. 2, c. 53)—
s. 9: Critchell *v.* Lambeth Borough Council [1957] 2 Q.B. 535; [1957] 3 W.L.R. 108; London Hospital Governors *v.* Jacobs [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102
s. 23: Jackson *v.* Croucher [1956] 1 Q.B. 394; [1956] 2 W.L.R. 331; London Hospital Governors *v.* Jacobs [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102
s. 23 (1): Lazarus Estates *v.* Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502
s. 23 (1) (2) (5): London Hospital Governors *v.* Jacobs [1956] 1 W.L.R. 662
s. 25: Lazarus Estates *v.* Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502
s. 25 (1) (4): London Hospital Governors *v.* Jacobs [1956] 1 W.L.R. 662
s. 25 (3) (4): Jackson *v.* Croucher [1956] 1 Q.B. 394; [1956] 2 W.L.R. 331
s. 26 (1) (2) (4) (5): London Hospital Governors *v.* Jacobs [1956] 1 W.L.R. 662
s. 30: Jackson *v.* Croucher [1956] 1 Q.B. 394; [1956] 2 W.L.R. 331
s. 33 (1) (9): Guinness Trust (London Fund) Founded 1890, Registered 1902 *v.* Green [1955] 1 W.L.R. 872
s. 35 (1): Higgins *v.* Silverston [1956] 2 Q.B. 525; [1956] 3 W.L.R. 448
s. 35 (1) (*a*): Scrace *v.* Windust [1955] 1 W.L.R. 475
s. 40: R. *v.* Paddington North and St. Marylebone Rent Tribunal, *Ex parte* Perry [1956] 1 Q.B. 229; [1955] 3 W.L.R. 744

1954 **Housing Repairs and Rents Act**—*continued.*

s. 41: Cadogan *v.* Henthorne [1957] 1 W.L.R. 1; Legge *v.* Matthews [1960] 1 Q.B. 37; [1960] 2 W.L.R. 620

s. 49: London Hospital Governors *v.* Jacobs [1957] 2 Q.B. 528; [1957] 3 W.L.R. 102

Sch. 2, paras. 1, 4 (1), 5: London Hospital Governors *v.* Jacobs [1956] 1 W.L.R. 662

Sch. 2, paras. 4, 5, 6: Lazarus Estates *v.* Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502

Landlord and Tenant Act (2 & 3 Eliz. 2, c. 56)—

s. 15 (1): Cadogan *v.* Henthorne [1957] 1 W.L.R. 1

s. 23: Bagettes *v.* G. P. Estates [1956] Ch. 290; [1955] 3 W.L.R. 602; Castle Laundry (London) *v.* Read [1955] 1 Q.B. 586; [1955] 2 W.L.R. 943; Orman Brothers *v.* Greenbaum [1955] 1 W.L.R. 248; Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714; [1957] A.C. 416; [1956] 3 W.L.R. 841; Gold *v.* Brighton Corporation [1956] 1 W.L.R. 1291

s. 23 (1): Bagettes Ltd. *v.* G. P. Estates Ltd. [1956] Ch. 290; [1956] 2 W.L.R. 985; Teasdale *v.* Walker [1958] 1 W.L.R. 1076

s. 23 (2): Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523

s. 23 (3): Nursey *v.* P. Currie (Dartford) [1959] 1 W.L.R. 273; Narcissi *v.* Wolfe [1960] Ch. 10; [1959] 3 W.L.R. 431

s. 24: Castle Laundry (London) *v.* Read [1955] 1 Q.B. 586; [1955] 2 W.L.R. 943; Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714; [1957] A.C. 416; [1956] 3 W.L.R. 841; Weinbergs Weatherproofs *v.* Radcliffe Paper Mill Co. [1958] Ch. 437; [1958] 2 W.L.R. 1; *In re* No. 88 High Road, Kilburn [1959] 1 W.L.R. 279; Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275

s. 24 (1): Sidney Bolsom Investment Trust *v.* E. Karmios & Co. (London) [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625; Teasdale *v.* Walker [1958] 1 W.L.R. 1076

s. 24 (1) (3) (*b*): Orman Brothers *v.* Greenbaum [1954] 1 W.L.R. 1520; [1955] 1 W.L.R. 248

ss. 24 (1), 25 (1): Airport Restaurants Ltd. *v.* Southend Corporation [1960] 1 W.L.R. 880

ss. 24, 64: Pearl *v.* London County Council [1960] 3 W.L.R. 881

s. 24 (3) (*b*): Brown *v.* Jamieson [1959] 1 Q.B. 338; [1959] 2 W.L.R. 156

s. 25: Castle Laundry (London) *v.* Read [1955] 1 Q.B. 586; [1955] 2 W.L.R. 943; Orman Brothers *v.* Greenbaum [1955] 1 W.L.R. 248; Wheeler *v.* Mercer [1957] A.C. 416; [1956] 3 W.L.R. 841; Rhyl U. D. C. *v.* Rhyl Amusements [1959] 1 W.L.R. 465; Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275; *In re* No. 88 High Road, Kilburn [1959] 1 W.L.R. 279

s. 25 (1): Bolton's (House Furnishers) *v.* Oppenheim [1959] 1 W.L.R. 685, 913; *In re* 395 Brixton Road, Brixton. Bolton's (House Furnishers) *v.* Oppenheim [1959] 1 W.L.R. 913

s. 25 (1) (*a*): London County Council *v.* Farren [1956] 1 W.L.R. 1297

s. 25 (1) (2) (3) (4): Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714

s. 25 (1) (6): Biles *v.* Caesar [1957] 1 W.L.R. 156

ss. 25 (1), 66: Stylo Shoes Ltd. *v.* Prices Tailors Ltd. [1960] Ch. 396; [1960] 2 W.L.R. 8

s. 26: *In re* No. 88 High Road, Kilburn [1959] 1 W.L.R. 279

ss. 26 (3) (5), 29 (3): Sidney Bolsom Investment Trust *v.* E. Karmios & Co. (London) [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625

s. 26 (6): Biles *v.* Caesar [1957] 1 W.L.R. 156

ss. 26, 30 (1): X.L. Fisheries *v.* Leeds Corporation [1955] 2 Q.B. 636; [1955] 3 W.L.R. 393; Fisher *v.* Taylors Furnishing Stores [1956] 2 Q.B. 78; [1956] 2 W.L.R. 985

ss. 28, 65 (3): Green *v.* Bowes-Lyon [1960] 1 W.L.R. 176

ss. 29 (1), 33, 34: Morgan *v.* Jones [1960] 1 W.L.R. 1220

s. 30: Cornish *v.* Brook Green Laundry [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215

s. 30 (1) (*a*): Lyons *v.* Central Commercial Properties London [1958] 1 W.L.R. 869

s. 30 (1) (*a*) (*c*) (*g*): *In re* St. Martin's Theatre. Bright Enterprises *v.* Willoughby de Broke [1959] 1 W.L.R. 872

s. 30 (1) (*f*): Betty's Cafés *v.* Phillips Furnishing Stores [1956] 1 W.L.R. 678; Gilmour Caterers *v.* St. Bartholomew's Hospital Governors [1956] 1 Q.B. 387; [1956] 2 W.L.R. 419; Fleet Electrics *v.* Jacey Investments [1956] 1 W.L.R. 1027; Reohorn *v.* Barry Corporation [1956] 1 W.L.R. 845; Biles *v.* Caesar [1957] 1 W.L.R. 156; Joel *v.* Swaddle [1957] 1 W.L.R. 1094; Betty's Cafés *v.* Phillips Furnishing Stores [1957] 1 W.L.R. 799; Percy E. Cadle & Co. *v.* Jacmarch Properties [1957] 1 Q.B. 323; [1957] 2 W.L.R. 80; Craddock *v.* Hampshire County Council [1958] 1 W.L.R. 202; Betty's Cafés *v.* Phillips Furnishing Stores [1959] A.C. 20; [1958] 2 W.L.R. 513; Bewlay (Tobacconists) *v.* British Bata Shoe Co. [1959] 1 W.L.R. 45; Bolton's (House Furnishers) *v.* Oppenheim [1959] 1 W.L.R. 685, 913; *In re* 395 Brixton Road, Brixton. Bolton's (House Furnishers) *v.* Oppenheim [1959] 1 W.L.R. 913; Wine Shippers (London) Ltd. *v.* Bath House Syndicate Ltd. [1960] 1 W.L.R. 613; C.A. [1960] 1 W.L.R. 989

s. 30 (1) (*f*) (*g*): Nursey and Another *v.* P. Currie (Dartford) [1959] 1 W.L.R. 273

1954 **Landlord and Tenant Act**—*continued.*
s. 30 (1) (*f*) (*g*) (2): Atkinson *v.* Bettison [1955] 1 W.L.R. 1127; Diploma Laundry *v.* Surrey Timber Co. [1955] 2 Q.B. 604; [1955] 3 W.L.R. 404; Frish *v.* Barclays Bank [1955] 2 Q.B. 541; [1955] 3 W.L.R. 439; Upsons *v.* E. Robins [1956] 1 Q.B. 131; [1955] 3 W.L.R. 584; Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523; H. L. Bolton (Engineering) Co. *v.* T. J. Graham & Sons [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804; Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275
s. 30 (1) (*g*): Espresso Coffee Machine Co. *v.* Guardian Assurance Co. [1958] 1 W.L.R. 900; [1959] 1 W.L.R. 250; John Miller (Shipping) *v.* Port of London Authority [1959] 1 W.L.R. 910
s. 31: Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275; Upsons *v.* E. Robins [1955] 3 W.L.R. 584
s. 31 (1): Betty's Cafés *v.* Phillips Furnishing Stores [1959] A.C. 20; [1958] 2 W.L.R. 513
s. 32 (1): Narcissi *v.* Wolfe [1960] Ch. 10; [1959] 3 W.L.R. 431
s. 33: Upsons *v.* E. Robins [1956] 1 Q.B. 131; [1955] 3 W.L.R. 584; Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275
s. 34: Harewood Hotels *v.* Harris [1958] 1 W.L.R. 108
s. 35: Gold *v.* Brighton Corporation [1956] 1 W.L.R. 1291; Le Witt *v.* Brookes [1956] 1 W.L.R. 1438; Sidney Bolsom Investment Trust *v.* E. Karmios & Co. (London) [1956] 1 Q.B. 529; [1956] 2 W.L.R. 625; *In re* No. 1 Albemarle Street [1959] Ch. 531; [1959] 2 W.L.R. 171
s. 41 (2): Frish Ltd. *v.* Barclays Bank [1955] 2 Q.B. 541; [1955] 3 W.L.R. 439
s. 43: Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714; [1951] A.C. 416; [1956] 3 W.L.R. 841
s. 43 (1): Brown *v.* Jamieson [1959] 1 Q.B. 338; [1959] 2 W.L.R. 156
s. 44: Diploma Laundry *v.* Surrey Timber Co. [1955] 2 Q.B. 604; [1955] 3 W.L.R. 404
s. 44 (1): Cornish *v.* Brook Green Laundry [1959] 1 Q.B. 394; [1959] 2 W.L.R. 215
s. 57: Hills (Patents) *v.* University College Hospital Board of Governors [1956] 1 Q.B. 90; [1955] 3 W.L.R. 523
s. 57 (1) (4) (*b*): X.L. Fisheries *v.* Leeds Corporation [1955] 2 Q.B. 636; [1955] 3 W.L.R. 393
s. 64: Austin Reed *v.* Royal Insurance Co. [1956] 1 W.L.R. 1340; Frederick Lawrence *v.* Freeman, Hardy & Willis [1959] Ch. 731; [1959] 3 W.L.R. 275; *In re* No. 88 High Road, Kilburn [1959] 1 W.L.R. 279
s. 64 (1): Pike *v.* Nairn & Co. Ltd. [1960] Ch. 553; [1960] 2 W.L.R. 897
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s. 69: Wheeler *v.* Mercer [1956] 1 Q.B. 274; [1955] 3 W.L.R. 714; [1957] A.C. 416; [1956] 3 W.L.R. 841
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Part II, s. 23 (2): Addiscombe Garden Estates *v.* Crabbe [1957] 1 W.L.R. 964; [1957] 3 W.L.R. 980

Charitable Trusts (Validation) Act (2 & 3 Eliz. 2, c. 58): *In re* Gillingham Bus Disaster Fund [1958] Ch. 300; [1957] 3 W.L.R. 1069; [1959] Ch. 62; [1958] 3 W.L.R. 325
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ss. 1 (1) (2), 2 (1): *In re* Harpur's Will Trusts [1961] Ch. 38; [1960] 3 W.L.R. 607

Transport Charges, etc. (Miscellaneous Provisions) Act (2 & 3 Eliz. 2, c. 64), s. 9: Spires *v.* Smith [1956] 1 W.L.R. 601

Mines and Quarries Act (2 & 3 Eliz. 2, c. 70)—
ss. 48 (1), 51 (3) (*b*), 157: Brown *v.* National Coal Board [1960] 1 W.L.R. 67
ss. 48 (1), 157: Brown *v.* National Coal Board [1961] 1 Q.B. 303; [1960] 3 W.L.R. 892
s. 81 (1): Hamilton *v.* National Coal Board [1960] A.C. 633; [1960] 2 W.L.R. 313

Town and Country Planning Act (2 & 3 Eliz. 2, c. 72)—
s. 17: *In re* Hasluck, decd. Solly *v.* Duffin [1957] 1 W.L.R. 1135
s. 66 (i): *In re* Meux, decd. Gilmour *v.* Gilmour [1958] Ch. 154; [1957] 3 W.L.R. 377
s. 70: R. *v.* Minister of Housing and Local Government. *Ex parte* Rank Organisation Ltd. [1958] 1 W.L.R. 1093

Birmingham Corporation Act (2 & 3 Eliz. 2, c. xliv), ss. 51, 55: Prescott *v.* Birmingham Corporation [1955] Ch. 210; [1954] 3 W.L.R. 990

Mersey Docks and Harbour Board Act (2 & 3 Eliz. 2. c. xlv.)—
s. 3: The Liverpool (No. 2) [1960] 2 W.L.R. 541; [1960] 3 W.L.R. 597

1955 **Army Act** (3 & 4 Eliz. 2, c. 18), s. 226 (2): R. *v.* Logan [1957] 2 Q.B. 589; [1957] 3 W.L.R. 335

Requisitioned Houses and Housing (Amendment) Act (3 & 4 Eliz. 2, c. 24)—
ss. 1, 4 (1) (2), 10 (1): East Ham Corporation *v.* Ministry of Housing and Local Government [1959] 1 W.L.R. 1013
s. 4: Taylor *v.* Munrow [1960] 1 W.L.R. 151

Public Service Vehicles (Travel Concessions) Act (3 & 4 Eliz. 2, c. 26), s. 1 (4): Litherland Urban District Council *v.* Liverpool Corporation [1958] 1 W.L.R. 913

1955 **County Courts Act** (4 & 5 Eliz. 2, c. 8)—
s. 1: Parkes *v.* Knowles [1957] 1 W.L.R. 1040
s. 1 (2): Hopkins *v.* Rees & Kirby [1959] 1 W.L.R. 740
ss. 1, 12: Leslie *v.* Liverpool Corpn. [1960] 1 W.L.R. 1

Rating and Valuation (Miscellaneous Provisions) Act (4 & 5 Eliz. 2, c. 9)—
s. 2 (1): John Walsh *v.* Sheffield Corporation. Tranter *v.* Same [1957] 1 W.L.R. 1074
s. 5 (3): Crowe *v.* Lloyds British Testing Co. Ltd. [1960] 1 Q.B. 592; [1960] 2 W.L.R. 227
s. 8: Independent Order of Oddfellows Manchester Unity Friendly Society *v.* Manchester Corporation [1957] 1 W.L.R. 1059; [1958] 1 W.L.R. 1171; Trustees of the National Deposit Friendly Society *v.* Skegness Urban District Council [1957] 1 Q.B. 531; [1957] 2 W.L.R. 322; [1957] 2 Q.B. 573; [1957] 3 W.L.R. 550; [1959] A.C. 293; [1958] 3 W.L.R. 172; Berry *v.* St. Marylebone Borough Council [1957] 1 W.L.R. 495; [1958] Ch. 406; [1957] 3 W.L.R. 1029; General Nursing Council for England and Wales *v.* St. Marylebone Borough Council [1957] 1 W.L.R. 941; [1958] Ch. 421; [1957] 3 W.L.R. 1039; [1959] A.C. 540; [1959] 2 W.L.R. 308; Royal College of Nursing *v.* St. Marylebone Borough Council [1958] 1 W.L.R. 95; [1959] 1 W.L.R. 1077; Waterson *v.* Hendon Borough Council [1959] 1 W.L.R. 985; Victory (Ex-Services) Association Ltd. *v.* Paddington Borough Council [1960] 1 W.L.R. 106
s. 8 (1) (*a*): Chartered Insurance Institute *v.* London Corporation [1957] 1 W.L.R. 867; United Grand Lodge of Ancient Free and Accepted Masons of England *v.* Holborn Borough Council [1957] 1 W.L.R. 1080; Derbyshire Miners' Welfare Committee *v.* Skegness Urban District Council [1958] 1 Q.B. 298; [1957] 3 W.L.R. 1048; [1959] A.C. 807; [1959] 2 W.L.R. 711; Working Men's Club and Institute Union *v.* Swansea Corporation [1958] 1 W.L.R. 1135; [1959] 1 W.L.R. 1197; Guinness Trust (London Fund) Founded 1890 Registered 1902 *v.* West Ham Borough Council [1958] 1 W.L.R. 541; [1959] 1 W.L.R. 233; *In re* North of England Zoological Society, North of England Zoological Society *v.* Chester Rural District Council [1958] 1 W.L.R. 1258; [1959] 1 W.L.R. 773; Isaacs *v.* Market Bosworth R. D. C. [1960] 1 W.L.R. 277
s. 8 (1) (*c*): Evans *v.* Brook [1959] 1 W.L.R. 657; Parker *v.* Ealing Borough Council [1960] 1 W.L.R. 1398
s. 8 (2): Horace Plunkett Foundation *v.* St. Pancras Borough Council [1958] 1 W.L.R. 30
s. 8 (2) (3): St. Pancras Borough Council *v.* University of London [1957] 1 W.L.R. 778, 1214
s. 8 (2) (3) (4) (5): Westminster City Council *v.* London University King's College [1958] 1 W.L.R. 920
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Sch. V: Waterson *v.* Hendon Borough Council [1959] 1 W.L.R. 985

Food and Drugs Act (4 & 5 Eliz. 2, c. 16), s. 13: Mac Fisheries (Wholesale and Retail) *v.* Coventry Corporation [1957] 1 W.L.R. 1066

Finance (No. 2) Act (4 & 5 Eliz. 2, c. 17), s. 4 (1) (2): Inland Revenue Commissioners *v.* Collco Dealings [1960] Ch. 592; [1960] 2 W.L.R. 848. Same *v.* Lucbor Dealings [1959] 1 W.L.R. 995

1956 **Criminal Justice Administration Act** (4 & 5 Eliz. 2, c. 34), ss. 1, 3: R. *v.* Campbell [1959] 1 W.L.R. 646

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s. 11 (1) (*a*): *In re* A Solicitor's Clerk [1957] 1 W.L.R. 1219
s. 13 (4) (*a*): *In re* Simpkin Marshall [1959] Ch. 229; [1958] 3 W.L.R. 693

Small Lotteries and Gaming Act (4 & 5 Eliz. 2, c. 45), ss. 1, 4, 5 (1): Smith *v.* Wyles [1959] 1 Q.B. 164; [1958] 3 W.L.R. 528

Administration of Justice Act (4 & 5 Eliz. 2, c. 46)—
s. 1 (1) (*g*): The Fehmarn [1957] 1 W.L.R. 815
ss. 1 (1) (*h*), 3 (4): The St. Elefterio [1957] P. 179; [1957] 2 W.L.R. 935
s. 31 (4): Meyer *v.* Leanse [1958] 2 Q.B. 37; [1958] 3 W.L.R. 518
s. 34 (3): London County Council *v.* Monks [1959] Ch. 239; [1959] 2 W.L.R. 17

Road Traffic Act (4 & 5 Eliz. 2, c. 67), s. 45 (1): Ching Garage *v.* Chingford Corporation [1959] 1 W.L.R. 959

Valuation and Rating (Scotland) Act (4 & 5 Eliz. 2, c. 60)—
s. 16 (1): Arbuckle Smith & Co. Ltd. *v.* Greenock Corpn. [1960] A.C. 813; [1960] 2 W.L.R. 435

Restrictive Trade Practices Act (4 & 5 Eliz. 2, c. 68)—
s. 6 (1) (*a*) (*b*) (*c*) (3): *In re* Blanket Manufacturers' Agreement, L.R. 1 R.P. 271; [1959] 1 W.L.R. 442; [1959] 1 W.L.R. 1148
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ss. 8 (8), 18 (1), 31 (1): *In re* Federation of British Carpet Manufacturers' Application, L.R. 1 R.P. 472; [1960] 1 W.L.R. 356
s. 12 (1): *In re* British Constructional Steelwork Association's Agreement, L.R. 1 R.P. 199; [1959] 1 W.L.R. 306
s. 20: *In re* Yarn Spinners' Agreement, L.R. 1 R.P. 118; [1959] 1 W.L.R. 154

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ss. 20 (1) (3), 21 (1) (*a*) (*b*): *In re* Chemists' Federation Agreement (No. 2), L.R. 1 R.P. 75; [1958] 1 W.L.R. 1192

s. 20 (3): *In re* British Constructional Steelwork Association's Agreement, L.R. 1 R.P. 199; [1959] 1 W.L.R. 306

s. 20 (3) (*a*) (*b*): *In re* National Association of British and Irish Millers Ltd.'s Scheme [1960] 1 W.L.R. 63

s. 21 (1) (6): *In re* Blanket Manufacturers' Agreement, L.R. 1 R.P. 271: [1959] 1 W.L.R. 442: *In re* Wholesale & Retail Bakers of Scotland Association's Agreement, L.R. 1 R.P. 347; [1959] 1 W.L.R. 1094

s. 21 (1) (*b*): *In re* Phenol Producers' Agreement [1960] 1 W.L.R. 464; *In re* Federation of Wholesale and Multiple Bakers' (Great Britain and Northern Ireland) Agreement, L.R. 1 R.P. 387; [1960] 1 W.L.R. 393; *In re* Wholesale Confectioners Alliance's Agreement [1960] 1 W.L.R. 1417

s. 21 (1) (*b*) (*d*) (*f*): *In re* Water-Tube Boilermakers' Agreement, L.R. 1 R.P. 285; [1959] 1 W.L.R. 118

s. 21 (1) (*b*) (*e*): *In re* Yarn Spinners' Agreement, L.R. 1 R.P. 118; [1959] 1 W.L.R. 154

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s. 25 (1): Dunlop Rubber Co. *v.* Longlife Battery Depot (A Firm), L.R. 1 R.P. 65; [1958] 1 W.L.R. 1033; Beecham Foods *v.* North Supplies (Edmonton), L.R. 1 R.P. 262; [1959] 1 W.L.R. 643

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s. 8: Chappell & Co. *v.* Nestlé Co. [1958] Ch. 529; [1958] 2 W.L.R. 657; [1960] A.C. 87; [1959] 3 W.L.R. 168

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s. 48 (1): Football League *v.* Littlewoods Pools [1959] Ch. 637; [1959] 3 W.L.R. 42

s. 49 (1): Joy Music Ltd. *v.* Sunday Pictorial Newspapers (1920) Ltd. [1960] 1 Q.B. 60; [1960] 2 W.L.R. 645

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s. 36: Fox *v.* General Medical Council [1960] 1 W.L.R. 1017

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s. 2 (1) (2): R. *v.* Dunbar [1958] 1 Q.B. 36; [1957] 3 W.L.R. 330

s. 5 (1) (*a*): R. *v.* Jones [1959] 1 Q.B. 291; [1959] 1 W.L.R. 190

s. 9: Practice Direction (Non-Capital Murder) [1957] 1 W.L.R. 750

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- **Defence (General) Regulations, 1939** (S.R. & O. 1939, No. 927)—
  - reg. 51: Blount *v.* War Office [1953] 1 W.L.R. 736; Acton Borough Council *v.* Morris [1953] 1 W.L.R. 1228
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  - para. 7 (2): *In re* Claim by Helbert Wagg & Co. [1956] Ch. 323; [1956] 2 W.L.R. 183
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- r. 3: Cockburn *v.* Cockburn [1957] 1 W.L.R. 1020

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- s. 2: Attorney-General for Alberta *v.* West Canadian Collieries [1953] A.C. 453; [1953] 2 W.L.R. 801
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Australia—**Australian Jockey Club Act, 1873 (N.S.W.)**—
- s. 3: Gollan *v.* Randwick Municipal Council [1961] A.C. 82; [1960] 3 W.L.R. 785

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